



Connecticut
Maine
Massachusetts
New Hampshire
Rhode Island
Vermont

United States Environmental Protection Agency Region I

Oil Pollution Act of 1990

Inland Area Contingency Plan Volume I

Report Oil & Chemical Spills
1-800-424-8802

U.S. Environmental Protection Agency
Office of Site Remediation and Restoration
Emergency Planning and Response Branch
Boston, MA

Letter of Promulgation

In accordance with the provisions of Subsection (j) of Section 311 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C. 1321 (j)) as amended by Section 4202 of the Oil Pollution Act of 1990 (OPA) this Region I Inland Area Contingency Plan (ACP) (Volume I) was developed under the direction of a U.S. Environmental Protection Agency (USEPA) On-Scene Coordinator (OSC) to address the development of a National Planning and Response System. As part of this system, Area Committees are to be established for each area designated by the President of the United States. These Area Committees are to be composed of qualified personnel from federal, state, and local agencies as well as tribal organizations. The functions of designating areas, appointing Area Committee members, determining the information to be included in ACPs, and reviewing and approving have been delegated by Executive Order 12777 of October 22, 1991 to the Administrator of the USEPA for the inland zone. On April 24, 1991, a Federal Register Notice was issued by which the Administrator of the USEPA designated the inland areas of the 13 Regional Response Teams (RRTs) as the designated areas for the Inland Zone, and the 13 RRTs as the initial Area Committees.

The area of coverage (area) for this Area Contingency Plan is the inland area of the USEPA Region I RRT, including inland waters and the states of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. Dennisses Valdes, Chief, Emergency Response Section, will serve as the area OSC, and David W. Tordoff will serve as the alternate area OSC.

This ACP is divided into two volumes. This first volume contains generic language and planning information that applies to all designated Areas within the Region and draws upon the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) and the Region I Regional Oil and Hazardous Substances Pollution Contingency Plan (RCP) where appropriate. A copy of the RCP is not needed for reference, since all relevant information from the RCP is included in the ACP. The contents of Volume I include authorities, abbreviations and definitions, and general language describing the National Response System (NRS) to address discharges or the substantial threat of discharges of oil or hazardous substances.

The second volume of the ACP, not included as part of this document, contains the Area-specific portions of the plan. Volume II is organized according to OPA section 4202 statutory requirements for ACPs for the entire inland area of Region I. Additional volumes will be dedicated to designated subareas. The most recent revision of Volume II of the ACP is dated October 1993. The attached document represents the most recent revision of the ACP Volume I only and supercedes any previous versions of those subjects covered in Volume I.

This plan is in effect upon signature approval by the Director of the USEPA Office of Site Remediation and Restoration (OSRR) as delegated by the Regional Administrator of USEPA Region I, Boston, MA (Delegation No. 2-91, signed September 29, 1995). Comments and recommendations regarding this plan are invited and should be addressed to:

Area Contingency Plan Coordinator
United States Environmental Protection Agency
Region I
Emergency Response Section (HBR)
One Congress Street, Suite 1100
Boston, Massachusetts 02114-2023

This plan will be kept under continual review. Changes, additional information, or corrections will be promulgated as necessary and will be consecutively numbered.

Patricia L. Meaney, Director
Office of Environmental
Remediation and Restoration (OSRR)
United States Environmental Protection Agency
Region I

Date

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ATTACHMENT 2: RECORD OF AMENDMENTS

Abbreviations, Acronyms, and Definitions

Abbreviations and Acronyms

ACP:	Area Contingency Plan
AOT:	Vermont Agency of Transportation
APHIS:	Animal and Plant Health Inspection Service
ASCS:	Agricultural Stabilization and Conservation Service
ATSDR:	Agency for Toxic Substances and Disease Registry
BIA:	Bureau of Indian Affairs
BLM:	Bureau of Land Management
BOA:	Basic Ordering Agreement
BMF:	Massachusetts Bureau of Municipal Facilities
BRP:	Massachusetts Bureau of Resource Protection
BWP:	Massachusetts Bureau of Waste Prevention
BWSC:	Massachusetts Bureau of Waste Site Cleanup
CANUTEC:	Canadian Transport Emergency Center
CERCLA:	Comprehensive Environmental Response, Compensation, and Liability Act of 1980
CDC:	Center for Disease Control
CFR:	Code of Federal Regulations
CHEMNET:	Chemical Response Network
CHEMTREC:	Chemical Transportation Emergency Center
CHLOREP:	Chlorine Emergency Plan
COE:	U.S. Army Corps of Engineers
CT DEP:	Connecticut Department of Environmental Protection
CWA:	Clean Water Act (33 USC 1321)
DEC:	Vermont Department of Environmental Conservation
DMR:	Department of Marine Resources
DOC:	Department of Commerce
DOD:	Department of Defense
DOE:	Department of Energy
DOI:	Department of the Interior
DOJ:	Department of Justice
DOL:	Department of Labor
DOS:	Department of State
DOT:	Department of Transportation
DRAT:	District Response Advisory Team
DRG:	District Response Group

(NOTE: Where sections are cited directly from legal documents (e.g., OPA), the NCP may be referred to as the “National Contingency Plan” so as not to alter the original wording of the document. “National Contingency Plan” in these instances shall mean the “National Oil and Hazardous Substances Pollution Contingency Plan”.)

DRS:	Maine Division of Response Services
EC:	Environment Canada
ECF:	Environmental Contingency Fund
EMA:	Rhode Island Emergency Management Agency
EMD:	Emergency Management Division
EOEA:	Massachusetts Executive Office of Environmental Affairs
EPCRA:	Emergency Planning and Community Right-to-Know Act (SARA Title III)
ER:	Massachusetts Emergency Response staff
ERD:	Emergency Response Division
ERT:	Emergency Response Team (USEPA)
ESF:	Emergency Support Functions
FEMA:	Federal Emergency Management Agency
FCO:	Federal Coordinating Officer
FDA:	Food and Drug Administration
FNS:	Food and Nutrition Service
FPN:	Federal Project Number
FRERP:	Federal Radiological Emergency Response Plan
FRMAP:	Federal Radiological Monitoring and Assessment Plan
FRP:	Federal Response Plan
FS:	Forest Services
FSIS:	Food Safety and Inspection Service
FWPCA:	Federal Water Pollution Control Act
GSA:	General Services Administration
HAZMAT:	Hazardous Materials Response Team
HHS:	Department of Human and Health Safety
HMIX:	Hazardous Materials Information Exchange
IC:	Incident Commander
ICS:	Incident Command System
IF&W:	Department of Inland Fisheries and Wildlife
IJC:	International Joint Commission
IJAT:	International Joint Advisory Team
IO:	Information Officer
JIC:	Joint Information Center
LEPC:	Local Emergency Planning Committee
MA DEP:	Massachusetts Department of Environmental Protection
MCP:	Massachusetts Contingency Plan
ME DEP:	Maine Department of Environmental Protection
MEMA:	Maine Emergency Management Agency

(NOTE: Where sections are cited directly from legal documents (e.g., OPA), the NCP may be referred to as the “National Contingency Plan” so as not to alter the original wording of the document. “National Contingency Plan” in these instances shall mean the “National Oil and Hazardous Substances Pollution Contingency Plan”.)

MFCMA:	Magnuson Fishery Conservation and Management Act
MLC:	Marine Logistics Command
MMS:	Mineral Management Service
MSO:	Marine Safety Office
NCP:	National Oil and Hazardous Substances Pollution Contingency Plan
NH DES:	New Hampshire Department of Environmental Services
NIH:	National Institutes of Health
NIIMS:	National Interagency Incident Management System
NMFS:	National Marine Fisheries Service
NOAA:	National Oceanic and Atmospheric Administration (Department of Commerce)
NPFC:	National Pollution Fund Center
NPS:	National Park Service
NPTM:	National Pesticide Telecommunication Network
NRC:	National Response Center
NRDA:	Natural Resource Damage Assessments
NRS:	National Response System
NRT:	National Response Team
NRU:	National Response Unit
NSF:	National Strike Force
NSCC:	National Scheduling Coordinating Committee
NWS:	National Weather Service
OEPC:	Office of Environmental Policy and Compliance
OPA:	Oil Pollution Act of 1990
OPS:	Office of Pipeline Safety
ORIA:	Office of Radiation and Indoor Air
ORP:	Office of Radiation Programs (USEPA)
OSC:	On-Scene Coordinator
OSH Act:	Occupational Safety and Health Act
OSHA:	Occupational Safety and Health Administration
OSLTF:	Oil Spill Liability Trust Fund
OSRR:	Office of Site Remediation and Restoration (USEPA)
PHS:	U.S. Public Health Service
PIAT:	Public Information and Assist Team (USCG)
POLREP:	Pollution Report
PREP:	The National Preparedness for Response Exercise Program
PRFA:	Pollution Removal Funding Authorization
PRP:	Potentially-Responsible Party
PSTN:	Pesticide Safety Team Network

(NOTE: Where sections are cited directly from legal documents (e.g., OPA), the NCP may be referred to as the “National Contingency Plan” so as not to alter the original wording of the document. “National Contingency Plan” in these instances shall mean the “National Oil and Hazardous Substances Pollution Contingency Plan”.)

RCP:	Regional Oil and Hazardous Substances Pollution Contingency Plan
RCRA:	Resources Conservation and Recovery Act
REET:	Regional Environmental Emergency Team
REO:	Regional Environmental Officer
RERT:	Regional Emergency Response Team
RI DEM:	Rhode Island Department of Environmental Management
RJRT:	Regional Joint Response Team
RROC:	Regional RCRA Off-site Coordinator
RP:	Responsible Party
RPM:	Remedial Project Manager
RRT:	Regional Response Team
RRTI:	Region I Regional Response Team
RSPA:	Research and Special Programs Administration (of OPS)
SARA:	Superfund Amendments and Reauthorization Act of 1986
SERC:	State Emergency Response Commission
SDWA:	Safe Drinking Water Act
SMOA:	Superfund Memorandum of Agreement
SONS:	Spill of National Significance
SPCC:	Spill Prevention, Control, and Countermeasures Program
SSC:	Scientific Support Coordinator
SUPSALV:	U.S. Navy Supervisor of Salvage
TSCA:	Toxic Substances Control Act
UC:	Unified Command
USCG:	United States Coast Guard
USDA:	United States Department of Agriculture
U.S. EPA:	United States Environmental Protection Agency
USFWS:	United States Fish and Wildlife Service
USGS:	United States Geological Survey
USN:	United States Navy
VT ANR:	Vermont Agency of Natural Resources
VT DEC:	Vermont Department of Environmental Conservation

Reference is made in the NCP to both the Nuclear Regulatory Commission and the National Response Center. In order to avoid confusion, the NCP and this ACP will not abbreviate Nuclear Regulatory Commission and use the abbreviation "NRC" only with respect to the National Response Center).

(NOTE: Where sections are cited directly from legal documents (e.g., OPA), the NCP may be referred to as the "National Contingency Plan" so as not to alter the original wording of the document. "National Contingency Plan" in these instances shall mean the "National Oil and Hazardous Substances Pollution Contingency Plan".)

Definitions

Definitions contained herein, unless otherwise specified, are the same as those contained in the NCP, Section 300.5 ("Definitions") and OPA section 1001 ("Definitions").

Additional definitions are listed below:

Area Committee: As defined by sections 311(a)(18) and (j)(4) of the Clean Water Act (CWA), as amended by OPA, means the entity appointed by the President consisting of members from federal, state, local, and tribal agencies with responsibilities that include preparing an Area Contingency Plan for the area designated by the President. The Area Committee may include ex-officio (i.e., non-voting) members (e.g., industry and local interest groups).

Area Contingency Plan (ACP): As defined by sections 311(a)(19) and (j)(4) of CWA, as amended by OPA, means the plan prepared by an Area Committee, that in conjunction with the NCP, shall address the removal of a discharge including a worst-case discharge and the mitigation or prevention of a substantial threat of such a discharge from a vessel, offshore facility, or onshore facility operating in or near an area designated by the President.

Bioremediation: Commonly defined as the use of biological organisms to degrade oil or waste in the environment into byproducts that are less harmful to human health and the environment.

Boundary: (1) A continuous demarcation line separating the Inland Zone from the Coastal Zone (the boundaries within federal Region I are indicated in Appendix A); (2) The demarcation line that separates United States response from Canadian response within the Gulf of Maine (as stated in the Joint Canada-United States Marine Pollution Contingency Plan and as determined by the World Court, in October 1984).

Coastal waters: The waters of the coastal zone (except for the Great Lakes, Lake Champlain, and specified ports and harbors on inland rivers). Precise boundaries are identified in U.S. Coast Guard (USCG)/U.S. Environmental Protection Agency (USEPA) agreements, federal Regional Contingency Plans and Area Contingency Plans.

Coastal Zone: United States waters subject to the tide, United States waters of the Great Lakes, specified ports and harbors on inland rivers, waters of the contiguous zone, other waters of the high seas subject to the NCP, and the land surface or land substrata, ground waters, and ambient air proximal to those waters. The term coastal zone delineates an area of federal responsibility for response action. Precise boundaries are determined by EPA/USCG agreements and identified in federal regional contingency plans. The USCG provides the OSC and the Chairmanship of the Regional Response Team (RRT), during environmental emergencies in this zone.

Connecticut Department of Environmental Protection (CTDEP): The lead state agency for response to the release of oil or hazardous substances in Connecticut.

Contingency plan: (1) A document used by federal, state, local, and tribal agencies to guide their planning and response procedures regarding spills of oil, hazardous substances, or other emergencies; (2) a document used by industry as a response plan to spills of oil, hazardous substances, or other emergencies occurring upon their transportation vehicle, or at their facilities.

Dispersants: Commonly defined as chemical agents used to aid the dispersion or dissolution of oil released to the environment (usually to a water body) in order to dilute the oil to non-hazardous concentrations.

Drinking water supply: As defined by section 101(7) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), means any raw or finished water source that is or may be used by a public water system (as defined in the Safe Drinking Water Act [SDWA]) or as drinking water by one or more individuals.

Environment: As defined by section 101(8) of CERCLA, means the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Magnuson Fishery Conservation and Management Act (MFCMA); and any other surface water, ground water, drinking water supply, land surface and subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.

Environmentally sensitive area (ESA): An especially delicate or sensitive natural resource that requires protection in the event of a pollution incident. Designations of areas considered to be sensitive can be found in Appendix D of the proposed Facility Response Plan (FRP) rule. In addition to this definition, Area Committees may include any areas determined to be "sensitive" for OPA planning purposes.

Groundwater: As defined by section 101(12) of CERCLA, means water in a saturated zone or stratum beneath the surface of land or water.

Hazardous substance: Any nonradioactive solid, liquid, or gaseous substance which when uncontrolled, may be harmful to human health or the environment. The precise legal definition can be found in section 101(14) of CERCLA.

Herdng Agents: Commonly defined as chemical agents used to coagulate oil released to the environment to facilitate removal of that oil from the environment.

Incident Command System (ICS): As defined by the NRT, an ICS is the command structure developed as part of the National Inter-agency Incident Management System (NIIMS). The ICS consists of the Incident Command (IC), or Unified Command (UC), and five distinct management sections. The ICS is described in Volume II, Section 2 of this ACP.

Inland waters: Those waters of the United States in the inland zone, waters of the Great Lakes, Lake Champlain, and specified ports and harbors on inland rivers.

Inland zone: The environment inland of the coastal zone excluding the Great Lakes and specified ports and harbors on inland rivers. The term inland zone delineates an area of federal responsibilities for response actions. Precise boundaries are determined by USEPA/USCG agreements and identified in federal regional contingency plans. USEPA provides the OSC and the Chairmanship of the RRT, during environmental emergencies in this zone.

Local Emergency Planning Committee (LEPC): A group of local representatives appointed by the State Emergency Response Commission (SERC) to prepare a comprehensive emergency plan for the local emergency planning district, as required by the Superfund Amendments and Reauthorization Act's (SARA) Title III.

Maine Department of Environmental Protection (ME DEP): The lead state agency for response to the release of oil or hazardous substances in Maine.

Massachusetts Department of Environmental Protection (MA DEP): The lead state agency for response to the release of oil or hazardous substances in Massachusetts.

National Pollution Funds Center (NPFC): As defined by section 7 of Executive Order 12777, the NPFC is the entity established by the Secretary of the department in which the USCG is operating whose function is the administration of the Oil Spill Liability Trust Fund (OSLTF). This includes access to the OSLTF by federal agencies, states, and designated trustees for removal actions and initiation of natural resource damage assessments, as well as claims for removal costs and damages.

Native American Tribe: Any Indian tribe, band, nation, or other organized group or community which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians and has governmental authority over lands belonging to, or controlled by the tribe.

Navigable Waters: The waters of the United States, including the territorial seas.

New Hampshire Department of Environmental Services (NH DES): The lead state agency for response to the release of oil or hazardous substances in New Hampshire.

Oil: As defined by section 311(a)(1) of CWA, as amended by OPA, means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, oil mixed with ballast or bilge water, vegetable oil, animal oil, coal oil, and oil mixed with wastes other than dredged spoil, but does not include petroleum, including crude oil or any fraction thereof, which is specifically listed or designated as a hazardous substance under subparagraphs (A) through (F) of section 101(14) of CERCLA and which is subject to the provisions of that Act.

Oil Spill Liability Trust Fund (OSLTF): The fund established under section 9509 of the Internal Revenue Code of 1986 (26 U.S.C. 9509).

On-Scene Coordinator (OSC): The federal official predesignated by USEPA or USCG to coordinate and direct federal responses under Subpart D of the NCP, or the official designated by the lead agency to coordinate and direct removal actions under Subpart E of the NCP.

Pollution Report (POLREP): A message describing significant developments, during the course of an incident.

Regional Response Team (RRT): The federal response organization (consisting of representatives from selected federal and state agencies) which acts as a regional body responsible for planning and preparedness before an oil spill occurs and for providing advice to the OSC in the event of a major or substantial spill.

Rhode Island Department of Environmental Management (RI DEM): The lead state agency for response to the release of oil or hazardous substances in Rhode Island.

State Emergency Response Commission (SERC): A group of officials appointed by the state governor to implement the provisions of SARA Title III. The SERC coordinates and supervises the work of the Local Emergency Planning Committees (LEPC) and reviews local emergency plans annually.

Vermont Department of Environmental Conservation (VT DEC): The lead state agency for response to the release of oil or hazardous substances in Vermont.

Worst Case Discharge: The single hypothetical incident involving the discharge of oil, which is most damaging to human health and the environment. It is usually assumed that the worst case discharge overcomes preventative countermeasures. For Region I the worst case discharge is described in Volume I, Section 5.6 of this ACP.

Emergency Contact Information

National Response Center (United States Coast Guard) 24-hour: (800) 424-8802
2100 Second Street, SW, Room 2611 FAX: (202) 267-2675
Washington, D.C. 20593-0001

U.S. Environmental Protection Agency - Region I 24-hour: (617) 918-1260
Emergency Planning and Response Branch FAX: (617) 918-1291
One Congress Street
Boston, MA 02114-2023

Mailing Address:
One Congress Street
Suit 1100 (HBR)
Boston, MA 02114-2023

U.S. Environmental Protection Agency Region I
Superfund Community Relations Office (617) 918-1010
FAX: (617) 918-1029

U.S. Environmental Protection Agency, Region I
Tribal Operations, Strategic Planning
Office of Ecosystem Protection

James G. Sappier, Regional Indian Program Manager (617) 918-1672
Valerie Ferry (617) 918-1674

The above individuals can provide information such as leaders and environmental contacts within the following tribes located within EPA Region I.

Houlton Band of the Maliseet Indians - ME
Narragansett Indian Tribe - RI
Passamaquoddy Tribe of Indians: Pleasant Point Reservation - ME
Passamaquoddy Tribe of Indians: Indian Township Reservation - ME
Penobscot Indian Nation - ME
Mashantucket Pequot Tribal Nation - CT
Wampanoag Tribe of Gay Head (Aquinnah) - MA
Aroostook Band of Micmacs - ME
Mohegan Tribe - CT

U.S. Environmental Protection Agency Region I
Office of Radiation Programs/
Radiation Emergency Response Team (617) 918-1533

U.S. Environmental Protection Agency 24-hour: (732) 321-6660
Environmental Response Team
Raritan Depot/MS 101
2890 Woodbridge Avenue
Edison, NJ 08837-3679

U.S. Environmental Protection Agency - Region II 24-hour: (732) 548-8730
Response and Prevention Branch
Emergency and Remedial Response Division
2890 Woodbridge Avenue
Raritan Depot, Building 18
Edison, NJ 08837-3679

(New York, New Jersey, Puerto Rico and U.S. Virgin Islands)

United States Coast Guard 24-hour: (800) 424-8802
Atlantic Strike Team Coordination Center
5614 Doughboy Loop
Fort Dix, NJ 08640

The above telephone number is for the National Response Center through which the Atlantic Strike Team is activated.

National Pollution Funds Center (202) 493-6722
4200 Wilson Boulevard FAX: (202) 493-6896
Suite 1000
Arlington, VA 22203-1804

Massachusetts Department of Environmental Protection 24-hour: (617) 556-1133
1 Winter Street or (888) 304-1133
Boston, MA 02108

Calls will go to a central dispatcher, who will forward the calls to the appropriate regional office.

New Hampshire Department of Environmental Services 24-hour (outside NH): (603) 271-3636
6 Hazen Drive 24-hour (inside NH): (800) 346-4009
Concord, NH 03301-6509

Above telephone numbers go to the New Hampshire State Police. The number below goes to the NH
DES Water Supply and Pollution Control Division during office hours: (603) 271-3503

Vermont Emergency Management Division 24-hour (outside VT): (802) 244-8721
Waterbury State Complex 24-hour (inside VT): (800) 641-5005
103 South Main Street
Waterbury, VT 05676

The first listed telephone number goes to the Vermont Department of Public Safety.

Rhode Island Department of Environmental Management 24-hour (outside RI): (401) 222-3070
Office of Compliance and Inspection 24-hour (inside RI): (800) 498-1336
235 Promenade Street
Providence, RI 02908

The first listed telephone number goes to the Division of Enforcement.

Connecticut Department of Environmental Protection 24-hour: (860) 424-3338
Oil & Chemical Spill Response Division Alternate 24-hour: (860) 424-3333
79 Elm Street, 4th Floor
Hartford, CT 06106-5127

Canadian Government:

Federal Government - Environment Canada

Atlantic Region (New Brunswick, Prince Edward Island, Nova Scotia, and Newfoundland)

Environmental Protection Branch
Environment Canada
45 Alderney Drive, 4th Floor
Dartmouth, Nova Scotia
B2Y 2N6

For incidents near the Maine-New Brunswick border, the Canadian Coast Guard Regional Operations Center coordinates notification.

Primary: (902) 426-6030 (Canadian Coast Guard OPS Center)

Alternate: (902) 426-6200 (Environment Canada - 24 hours)

Quebec Region

Environmental Protection Branch
(East Region, Quebec and Madeleine Island)
Environment Canada, Quebec Region
Environmental Emergencies Division
105 McGill Street, 4th Floor
Montreal, Quebec
H2Y 2E7

For incidents near the Maine, New Hampshire, Vermont, and Quebec border:

Primary 24-hour: (514) 283-3333 (Environment Canada)

FAX: (514) 496-1157

Federal Emergency Management Agency (FEMA) 24-hour: (617) 223-9540
Disaster Assistance Programs Division
FEMA Federal Regional Center Office: (978) 461-5311
Mobile Emergency Response 24-hour: (978) 461-5501

May provide:

Financial assistance to affected areas and parties in a major disaster. This assistance applies to problems outside of the responsibilities and authority of other federal agencies directly attributed to the disaster. Emergency organization and aid to the public in the event of a disaster or potential disaster (evacuation, shelters, etc.)

1 INTRODUCTION

1.1 Plan Review

1.1.1 Purpose

The purpose of this inland Area Contingency Plan (ACP) is to provide an action plan to respond to discharges of oil or releases of hazardous substances and to promote timely and effective coordination among the entire spill response community, including federal, state, tribal, local, and private entities during such a response. The ACP is effective for the inland area of U.S. Environmental Protection Agency (USEPA) Region I which includes the six New England states: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. The boundaries of this inland area are described and illustrated in Appendix I - Federal Region I USCG/USEPA Jurisdictional Boundaries.

1.1.2 Authority and Applicability

This ACP is required by Title IV, section 4202 of the Oil Pollution Act of 1990 (OPA), which amends Subsection (j) of Section 311 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C. 1321 (j)) as amended by the Clean Water Act (CWA) (33 U.S.C. 1251 et seq).

This ACP was also written pursuant to the requirements of the Comprehensive Environmental Response and Liability Act (CERCLA) (42 U.S.C 9601) as amended by the Superfund Amendment and Reauthorization Act (SARA), and the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) (40 CFR 300).

1.1.3 Scope

In accordance with the FWPCA Section 311, as amended by OPA at Section 4201(a), the ACP applies to and is in effect for:

(1) discharges or a substantial threat of a discharge of oil or hazardous substance into or on the navigable waters, on the adjoining shorelines to the navigable waters, into or on the waters of the exclusive economic zone, or that may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States; and

(2) discharges or a substantial threat of a discharge of oil or hazardous substance from a vessel, offshore facility, or onshore facility which presents a substantial

threat to the public health or welfare in the Areas defined in each chapter of Volume II of this ACP.

This ACP expands upon the requirements set forth in the NCP, augments coordination with state and local authorities, and integrates existing state, local, tribal, and private sector plans for the Area.

As stated in the OPA Section 4202(4)(C)(i-vi), “the Area Contingency Plan shall—

(I) when implemented in conjunction with the National Contingency Plan, be adequate to remove a worst case discharge, from a vessel, offshore facility, or onshore facility operating in or near the area;

(ii) describe the area covered by the plan, including the areas of special economic or environmental importance that might be damaged by a discharge;

(iii) describe in detail the responsibilities of an owner or operator and of federal, state, local, [and tribal] agencies in removing a discharge, and in mitigating or preventing a substantial threat of a discharge;

(iv) list the equipment (including firefighting equipment), dispersants or other mitigating substances and devices, and personnel available to an owner or operator and federal, state, local, and tribal agencies, to ensure an effective and immediate removal of a discharge, and to ensure mitigation or prevention of a substantial threat of a discharge;

(v) describe the procedures to be followed for obtaining an expedited decision regarding the use of dispersants;

(vi) describe in detail how the plan is integrated into other Area Contingency Plans and vessel, offshore facility, and onshore facility response plans approved under this subsection, and into operating procedures of the National Response Unit;

(vii) include any other information the President requires; and

(viii) be updated periodically by the Area Committee.”

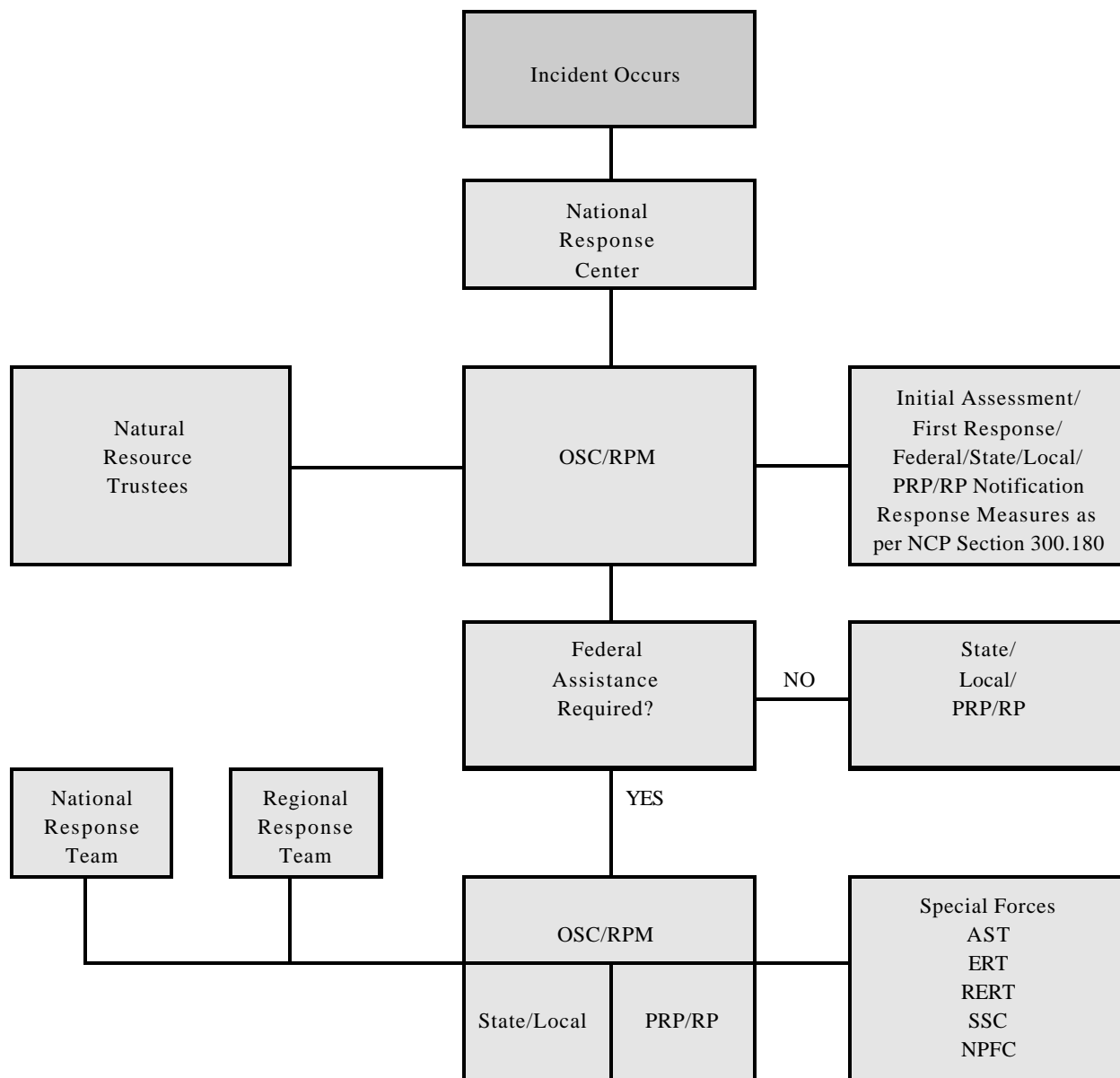
1.2 Revision Requirements

According to Section 311(j)(4)(C)(viii) of the CWA, “the Area Contingency Plan shall be updated periodically by the Area Committee.”

2 ORGANIZATION

The relationship between various entities which would be involved in a response are illustrated in the following diagram (Figure 1).

Figure 1: Flowchart for Incident Response



KEY:

OSC	On-Scene Coordinator	USCG	United States Coast Guard
RP	Responsible Party	NPFC	National Pollution Funds Center
PRP	Potentially Responsible Party	SSC	Scientific Support Coordinator
RPM	Remedial Project Manager	AST	Atlantic Strike Team
USEPA	United States Environmental Protection Agency	ERT	USEPA Environmental Response Team
RERT	USEPA Radiological Emergency Response Team	NCP	National Oil and Hazardous Substances Pollution Contingency Plan

3 RESPONSIBILITIES

3.1 Duties of the President Delegated to Federal Agencies

In Executive Order 12777, the President of the United States delegated certain functions and responsibilities vested in him by OPA Section 4202 (a) to the Administrator of USEPA for the inland zone and the Commandant of the USCG through the Secretary of Transportation for the coastal zone. These functions and responsibilities include designating Areas, appointing Area Committee members, determining the information to be included in ACPs, and reviewing and approving ACPs. For the coastal zones and inland zones, respectively, the USCG and USEPA shall assign an On-Scene Coordinator (OSC) to each Area to carry out these functions and responsibilities.

OPA section 4201 states that the President shall, in accordance with the NCP and any appropriate ACP, ensure effective and immediate removal of a discharge, and mitigation or prevention of a substantial threat of a discharge of oil or hazardous substance into or on the navigable waters, on the adjoining shorelines to the navigable waters, into or on the waters of the exclusive economic zone, or that may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States (OPA Section 4201). In carrying out this mandate, the President may direct or monitor all federal, state, and private actions to remove a discharge. The NCP at 40 CFR 300.130 states that the USEPA or the USCG is authorized to act for the United States to take response measures deemed necessary to protect public health or welfare or the environment from discharges of oil or releases of hazardous substances, pollutants, or contaminants except with respect to such releases on or from vessels or facilities under the jurisdiction, custody, or control of other federal agencies. The assigned OSC may initiate a response. Upon approval by the OSC, any state, local, or tribal governments may initiate a federally funded response.

3.2 National Response Team

National planning and coordination is accomplished through the National Response Team (NRT). The NRT consists of representatives from the USCG, USEPA, Federal Emergency Management Agency (FEMA), Department of Defense (DOD), Department of Energy (DOE), United States Department of Agriculture (USDA), Department of Commerce (DOC), Department of Health and Human Services (HHS), Department of the Interior (DOI), Department of Justice (DOJ), Department of Labor (DOL), Department of Transportation (DOT), Department of State (DOS), General Services Administration (GSA), and the Nuclear Regulatory Commission. For details, see the NCP (40 CFR 300.175(b)).

3.3 Regional Response Team

Regional planning and coordination of preparedness and response actions is accomplished through the RRT. The RRT agency membership parallels that of the NRT but also includes state

and local representation. The RRT provides the appropriate regional mechanism for development and coordination of preparedness activities before a response action is taken and for coordination of assistance and advice to the OSC during such response actions.

The Region I RRT is the regional planning and coordination body for environmental emergencies which may occur within the six New England states. The RRT plans for potential emergencies, coordinates advice to the OSC during an incident, and reviews OSC reports during and after an incident to ensure that future planning activities reflect any new lessons learned from specific operations, and that necessary changes in the Regional Oil and Hazardous Substances Pollution Contingency Plan (RCP) may be made, as well as suggested changes to the NCP can be forwarded to the NRT for consideration. The RRT consists of representatives of the federal agencies and the state agencies listed in Sections 300.175 and 300.180 of the RCP including: USEPA, USDA, DOC, DOD, DOE, FEMA, HHS, DOI, DOJ, DOL, DOS, DOT, Nuclear Regulatory Commission, Connecticut Department of Environmental Protection (CTDEP), Maine Department of Environmental Protection (ME DEP), Massachusetts Department of Environmental Protection (MA DEP), New Hampshire Department of Environmental Services (NH DES), Rhode Island Department of Environmental Management (RI DEM), and Vermont Department of Environmental Conservation (VT DEC). Local or tribal government representatives are included when an emergency occurs within their community and when, in the opinion of the state representative, the local community input may assist in planning and coordinating activities.

Each participating federal and state agency designates one primary, and at least one alternate member to the team. All of the federal agencies and the states may also provide additional representatives to serve as alternates, or as observers, to the RRT.

The RRT members designate representatives from their units to work with the OSCs to develop site specific contingency plans, providing for the use of agency resources in the response to discharges of oil and releases of hazardous substances. During a response, the members of the RRT will make available the resources of their agencies to the OSC as specified in this plan and as delineated in the federal local/subarea contingency plans.

State agencies make the resources of the affected state available and coordinate the state's activities with those of the OSC to assure that a coordinated approach is made to control the release and conduct the removal of the oil or hazardous substance.

The RRT may also be activated during a pollution incident, in part or in its entirety, by the request of any RRT member to the chairman of the team with jurisdiction for the area. The request for RRT activation must later be confirmed in writing. Each representative, or appropriate alternate, will be notified by the chairmen, immediately, when the team is activated.

During prolonged operations, the RRT may not need to be convened, or may be activated in a

limited sense having available specific members who are directly involved with the operation.

When the RRT is activated for an oil discharge or hazardous substance release, the members of the team will meet at the call of the chairmen and may:

- 1) Monitor and evaluate reports from the OSC or Remedial Project Manager (RPM). The RRT may advise the OSC/RPM on the duration and extent of federal response. The team may recommend specific actions to the OSC/RPM.
- 2) Request other federal, state, local government, or private organizations to provide resources under their existing authority to respond to an incident location or monitor response operations.
- 3) Assist the OSC in the preparation of information releases to the public.
- 4) Relay communications from the OSC to the NRT.
- 5) Advise the regional or district head of the agency which has provided the OSC that a different OSC should be assigned, if necessary.
- 6) Monitor the OSC's Pollution Reports (POLREPs) and OSC reports; and, as appropriate, endorse and forward these reports to the NRT.

State government representatives to the RRT have the same status as the representatives of federal agencies and actively participate in the RRT's deliberations.

In addition, the RRT performs those functions outlined in this plan. The RRT is activated by the Chair from the agency with jurisdiction over the area where the release occurs when the discharge or release meets any of the following criteria: 1.) Exceeds the response capability available to the OSC of the area where the incident occurred; 2.) Transects the USEPA/USCG OSC boundaries; 3.) Transects the boundaries of standard federal regions; or 4.) Poses a substantial threat to the public health, welfare, or the environment, or to regionally significant amounts of property.

The RRT is deactivated by agreement between the USCG and USEPA representatives. The time of deactivation will be noted in the final RRT POLREP (see NCP section 300.165).

3.4 Area Committee

The Area Committees, in conjunction with the NRT and the RRTs, serve a spill planning and preparedness role within the National Response System (NRS). Each Area Committee shall be comprised of federal, state and local agency personnel and tribal representatives. In accordance with the OPA Section 4202 (4)(B), each "Area Committee, under the direction of the...OSC for its area, shall --

- (i) prepare for its area the Area Contingency Plan required under Subparagraph (C);

- (ii) work with state and local officials to enhance the contingency planning of those officials and to assure preplanning of joint response efforts, including appropriate procedures for mechanical recovery, dispersal, shoreline cleanup, protection of sensitive environmental areas, and protection, rescue, and rehabilitation of fisheries and wildlife; and
- (iii) work with state and local officials to expedite decisions for the use of dispersants and other mitigating substances and devices.”

Area planning and coordination of preparedness and response actions is accomplished through the Area Committee. The Area Committee membership includes federal, state, local, and tribal representation.

3.5 National Response Center

The National Response Center (NRC) is the national communications center for handling activities related to response actions. The NRC acts as the single point of contact for all pollution incident reporting. Notice of an oil discharge or release of a hazardous substance in an amount equal to or greater than the reportable quantity must be made immediately in accordance with 33 CFR part 153, subpart B, and 40 CFR part 302, respectively. Emergency contact information for the NRC is listed in the Emergency Contact Information Section located at the beginning of this document. All notices of discharges or releases received at the NRC will be relayed immediately by telephone to the appropriate predesignated OSC.

For each Area, a detailed Notification List for federal, state, local, and tribal contacts is contained in Volume II of the ACP.

3.6 On-Scene Coordinators

The NCP (40 CFR part 300.120) describes the general responsibilities of OSCs. The OSC directs response efforts and coordinates all other efforts at the scene of a discharge or release. OSCs are predesignated by the regional or district head of the lead agency. USEPA and the USCG predesignate OSCs for all areas in each region except for any facility or vessel under the jurisdiction, custody, or control of DOD, DOE, or other federal agencies. Only USEPA and the USCG provide an OSC for an incident involving the discharge of oil. As part of the planning and preparation for response, the OSCs are predesignated by the USEPA’s regional administrator for the inland zone and the USCG’s District Commander for the coastal zone.

Under OPA, the OSC has responsibilities related to the establishment of Area Committees and the development of ACPs. The OSC chairs the Area Committee and provides general direction and guidance for the committee as it prepares the ACP.

The EPA and the USCG designate OSCs for all areas of the region, except that the DOD designates OSCs for hazardous substance releases from DOD facilities and vessels. The DOD is the immediate removal response authority with respect to hazardous substance releases involving military weapons and munitions. Immediate removal actions involving nuclear weapons are conducted in accordance with the joint DOD, DOE, and FEMA Agreement for Response to Nuclear Incidents and Nuclear Weapons Significant Incidents, of January 8, 1981. The USCG will provide OSCs for oil discharges and for immediate removal of hazardous substance, pollutant, or contaminant releases into, or threatening, the Coastal Zone. However, USEPA will provide OSCs for releases from hazardous waste management facilities or in similarly chronic incidents, regardless of location. USEPA provides OSCs for oil discharges and hazardous substance releases into or threatening the Inland Zone of New England and will provide the RPM for all remedial responses, not involving marine transportation. The jurisdictional boundaries separating the USCG and USEPA, within Region I are found in Attachment A.

The OSC, consistent with sections 300.120 and 300.125 of the NCP, shall direct response efforts and coordinate all other efforts at the scene of a discharge or release in accordance with this ACP. To the extent practicable, response operations shall be consistent with federal, state, local, and tribal plans, including ACPs and Facility Response Plans (FRPs).

The first federal official affiliated with an NRT member agency to arrive at the scene of a discharge or release should coordinate activities under the ACP and is authorized to initiate, in consultation with the OSC, any necessary actions normally carried out by the OSC until the arrival of the predesignated OSC. This official may initiate federal Fund-financed actions only as authorized by the OSC or, if the OSC is unavailable, the authorized representative of the lead agency.

The OSC shall, to the extent practicable, collect pertinent facts about the discharge or release, such as its source and cause; the identification of potentially responsible parties (PRPs) or responsible parties (RPs); the nature, amount, and location of discharged or released materials; the probable direction and time of travel of discharged or released materials; the pathways to human and environmental exposure; the potential impact on human health, welfare, and safety and the environment; the potential impact on natural resources and property which may be affected; priorities for protecting human health and welfare and the environment; and appropriate cost documentation.

The OSC's efforts shall be coordinated with other appropriate federal, state, local, and private response agencies. OSCs may designate capable persons from federal, state, or local agencies to act as their on-scene representatives. State and local governments, however, are not authorized to take actions under Subparts D and E of the NCP that involve expenditures of CWA section 311(k) or CERCLA funds unless an appropriate contract or cooperative agreement has been established.

The OSC should consult regularly with the RRT chair in carrying out the NCP and ACP and keep the RRT informed of activities under the NCP and ACP.

The OSC shall immediately notify FEMA of situations potentially requiring evacuation, temporary housing, or permanent relocation. In addition, the OSC shall evaluate incoming information and immediately advise FEMA of potential major disaster situations.

In those instances where a possible public health emergency exists, the OSC should notify the HHS representative to the RRT. Throughout response actions, the OSC may call upon the HHS representative for assistance in determining public health threats and call upon the Occupational Safety and Health Administration (OSHA) and HHS for advice on worker health and safety problems.

The OSC shall promptly notify the trustees for natural resources of discharges or releases that are injuring or may injure natural resources under their jurisdiction. The OSC shall seek to coordinate all response activities with the natural resource trustees.

Where the OSC becomes aware that a discharge or release may adversely affect any endangered or threatened species, or result in destruction or adverse modification of the habitat of such species, the OSC should consult with the DOI and/or DOC (National Oceanic and Atmospheric Administration [NOAA]).

The OSC is responsible for addressing worker health and safety concerns at a response scene, in accordance with section 300.150 of the NCP.

The OSC shall submit pollution reports to the RRT and other appropriate agencies as significant developments occur during response actions, through communications networks or procedures agreed to by the RRT.

OSCs should ensure that all appropriate public and private interests are kept informed and that their concerns are considered throughout a response, to the extent practicable, consistent with the requirements of section 300.155 of the NCP.

During an incident, it is imperative to give the public prompt and accurate information on the nature of the incident and the actions underway to mitigate the damage. OSCs and community relations personnel should ensure that all appropriate public and private interests are kept informed and that their concerns are considered throughout each response. They should coordinate with available public affairs/community relations resources to carry out this responsibility. At the discretion of the OSC, an information coordination center should be established or a person designated to assist in this effort.

Within one year after completion of removal activities at a major discharge of oil, a major release of a hazardous substance, pollutant, or contaminant, or when requested by the RRT, the OSC

shall submit to the RRT a complete report on the removal operation and the actions taken. The OSC/RPM shall at the same time send a copy of the report to the Secretary of the NRT. The RRT shall review the OSC report and send to the NRT a copy of the OSC report with appropriate comments or recommendations within 30 days after the RRT has received the OSC report.

The OSC report shall record the situation as it developed, the actions taken, the resources committed, and the problems encountered. The format for the OSC report is detailed in section 300.165 of the NCP.

The USCG and the USEPA OSCs operate under procedures developed pursuant to their agencies' policies. These procedures differ in some respects:

Before undertaking a removal, USEPA OSCs will coordinate with the state to determine the lead agency for a specific spill. The USEPA will respond to all major spill (above 10,000 gallons) events; will usually respond to medium spills (between 1,000 and 10,000 gallons) depending on current operations and the state's capability. The USEPA OSC will respond to minor discharges at the state's request for support.

USCG OSCs will oversee removal actions for minor spills occurring within the coastal zone unless the affected state expresses the desire to act as lead agency. Because of the USCG's capability to support large scale marine operations, it is anticipated that the USCG would maintain OSC responsibilities for all medium and major spills within the coastal zone.

It is the responsibility of the owner and/operator of the vessel or facility from which the discharge occurs to conduct removal operations, in accordance with federal and state regulations. When the owner does accept responsibility, the federal OSC will monitor the cleanup to assure the cleanup meets the requirements of the law. State authorities will operate to similar purposes. When, however, the responsible party does not act, is not known, or cannot conduct oil removal actions, OSCs may access the Oil Spill Liability Trust Fund (OSLTF) and carry out appropriate removal actions. Several states within New England have funds available to conduct operations, and may do so, under state authority.

3.6.1 Multi-Area Responses

There shall only be one OSC at any time during the course of response operations. If a pollution incident transects or moves across federal, regional, area, or local boundaries, the response mechanism of each Area may be activated and authority will rest with the predesignated OSC of the area most impacted or vulnerable to the greatest threat by the incident. If there is disagreement as to the area most impacted, then the RRT(s) will decide who will take responsibility as the OSC. The NRT shall

designate the OSC if members of one RRT or two adjacent RRTs are unable to agree on the designation.

3.6.2 Special Teams and Other Assistance Available to On-Scene Coordinators

3.6.2.1 Strike Teams

Strike Teams, collectively known as the National Strike Force (NSF), are established by the USCG and located on the Atlantic, Pacific, and Gulf coasts. The Strike Teams provide specialized assistance to the OSC. Emergency contact information is listed in the Emergency Contact Information section located at the beginning of this document.

Strike Teams can provide communications support, advice, and assistance for oil and hazardous substances removal. These teams also have knowledge of shipboard damage control, are equipped with specialized containment and removal equipment, and have rapid transportation available. When possible, the Strike Teams will provide training for emergency task forces to support OSCs and assist in the development of RCPs and ACPs.

The OSC may request assistance from the Strike Teams. Requests for a team may be made directly to the Commanding Officer of the appropriate team, the USCG member of the RRT, the appropriate USCG Area Commander, or the Commandant of the USCG through the NRC.

Each USCG team manages emergency task forces trained to evaluate, monitor, and supervise pollution responses. Additionally, they have limited "initial aid" response capability to deploy equipment prior to the arrival of a cleanup contractor or other response personnel.

3.6.2.2 Environmental Response Team

The Environmental Response Team (ERT) is established by USEPA in accordance with its disaster and emergency responsibilities. The ERT has expertise in treatment technology, biology, chemistry, hydrology, geology, and engineering.

The ERT can provide access to special decontamination equipment for chemical releases and advice to the OSC in hazard evaluation; risk assessment; multimedia sampling and analysis program; on-site safety, including development and implementation of plans; cleanup techniques and priorities; water supply decontamination and protection; application of dispersants; environmental assessment; degree of cleanup required; and

disposal of contaminated material.

The ERT also provides both introductory and intermediate level training courses to prepare response personnel for actual events. To contact ERT, refer to the Emergency Contact Information section located at the beginning of this document.

3.6.2.3 Scientific Support Coordinators

Scientific support coordinators (SSCs) are available, at the request of OSCs, to assist with actual or potential responses to discharges of oil or releases of hazardous substances, pollutants, or contaminants. The SSC will also provide scientific support for the development of RCPs and ACPs. Generally, SSCs are provided by USCG National Oceanic and Atmospheric Administration (NOAA) in coastal and marine areas, and by USEPA in the inland zone. In the case where the SSC is provided by NOAA, SSCs may be supported in the field by a team providing, as necessary, expertise in chemistry, trajectory modeling, natural resources at risk, and data management.

During a response, the SSC serves under the direction of the OSC and is responsible for providing scientific support for operational decisions and for coordinating on-scene scientific activity. Depending on the nature of the incident, the SSC can be expected to provide certain specialized scientific skills and to work with governmental agencies, universities, community representatives, and industry to compile information that would assist the OSC in assessing the hazards and potential effects of discharges and releases and in developing response strategies.

If requested by the OSC, the SSC will serve as the principal liaison for scientific information and will facilitate communications to and from the scientific community on response issues. The SSC, in this role, will strive for a consensus on scientific issues surrounding the response but will also ensure that any differing opinions within the community are communicated to the OSC.

The SSC will assist the OSC in responding to requests for assistance from state and federal agencies regarding scientific studies and environmental assessments.

3.6.2.4 Radiological Emergency Response Teams

Radiological Emergency Response Teams (RERTs) have been established by EPA's Office of Radiation Programs (ORP) to provide response and support for incidents or sites containing radiological hazards. Expertise is

available in radiation monitoring, radionuclide analysis, radiation health physics, and risk assessment. RERTs can provide on-site support including mobile monitoring laboratories for field analyses of samples and fixed laboratories for radiochemical sampling and analyses. Contact is made through ORP; Refer to the Emergency Contact Information section located at the beginning of this document.

Assistance for incidents on sites containing radiological hazards is also available from DOE and other federal agencies.

3.6.2.5 U.S. EPA Community Relations Office

The USEPA Community Relations Office is available to assist OSCs with activities related to the dissemination of information to the public. Its use is encouraged any time the OSC requires outside public affairs support. To reach the USEPA Community Relations office, refer to the Emergency Contact Information section located at the beginning of this document.

3.6.2.6 USCG Public Information Assist Team

The USCG is available to assist OSCs and regional or district offices to meet the demands for public information and participation. Its use is encouraged any time the OSC requires outside public affairs support. To reach PIAT, contact the NRC.

3.6.2.7 National Pollution Funds Center

The National Pollution Funds Center (NPFC) is responsible for implementing those portions of the OPA that have been delegated to the USCG. The NPFC is responsible for addressing funding issues arising from discharges and threats of discharges of oil. To reach the NPFC, refer to the Emergency Contact Information section located at the beginning of this document.

3.7 Trustees for Natural Resources

The OSC shall ensure that trustees for natural resources are promptly notified of discharges or releases. In accordance with Section 300.615(c)(2) of the NCP, "Upon notification or discovery of injury to, destruction of, loss of, or threat to natural resources, trustees may, pursuant to section 107(f) of CERCLA or section 311(f)(5) of CWA, cooperate with the OSC/RPM in coordinating assessments, investigations, and planning." For discharges of oil, the OSC shall consult with the affected trustees on the appropriate removal action to be taken. Where the OSC becomes aware that a discharge may affect any endangered or threatened species, or their habitat, the OSC shall consult with the appropriate natural resource trustee.

3.7.1 Designation of Trustees

The President is required to designate in the NCP those federal officials who are to act on behalf of the public as trustees for natural resources. Federal officials so designated will act pursuant to section 107(f) of CERCLA, section 311(f)(5) of the CWA, and section 1006 of the OPA. As defined in section 1001 of the OPA, natural resources include land, fish, wildlife, biota, air, water, ground water, drinking water supplies, and other such resources belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by the United States (including the resources of the exclusive economic zone), any state or local government or Indian tribe, or any foreign government.

The following individuals shall be the designated trustee(s) for general categories of natural resources: the Secretary of Commerce; the Secretary of the Interior; the Secretary for the land managing agency for natural resources located on, over, or under land administered by the United States (DOI, USDA, DOD, and DOE); and the head of authorized agencies for the management or protection of natural resources located in the United States but not otherwise described in this section or in the NCP.

Section 300.600 of the NCP designates the natural resources for which each federal trustee is responsible, and is incorporated herein by reference.

Pursuant to section 1006 of the OPA, the governor of each state shall designate state and local officials who may act on behalf of the public as trustee for natural resources and shall notify the President of the designation.

Under section 1006 of the OPA, the governing body of any Indian tribe shall designate tribal officials who may act on behalf of the tribe or its members as trustee for natural resources under tribal jurisdiction and shall notify the President of the designation.

The head of any foreign government may designate the trustee who shall act on behalf of that government as trustee for natural resources.

3.7.2 Functions of Trustees

Under section 1006 (c) of the OPA, natural resource trustees shall:

- (1) Assess natural resource damages for the natural resources under their trusteeship; and

- (2) Develop and implement a plan for the restoration, rehabilitation, replacement, or acquisition of the equivalent, of the natural resources under their trusteeship.

In addition, the federal trustees may, upon request of and reimbursement from a state or Indian tribe and at the OSC's discretion, assess damages for the natural resources under the state's or tribe's trusteeship. The specific areas of trusteeship are detailed in Volume II of this ACP.

3.8 Other Federal Agencies

Federal agencies listed in the NCP at 40 CFR 300.175 have duties established by statute, executive order, or Presidential directive which may apply to federal response actions following, or in prevention of, the discharge of oil or release of a hazardous substance, pollutant, or contaminant. Federal agencies may be called upon by an OSC during response planning and implementation to provide assistance in their respective areas of expertise. Refer to the NCP at 40 CFR sections 300.170 and 300.175 for a description of agency capabilities and authorities.

Under OPA section 4201(b), the United States Fish and Wildlife Service (USFWS) and NOAA also have duties with respect to federal response actions following, or in prevention of, discharges of oil or releases of hazardous substances. These two agencies, and other interested parties (including state fish and wildlife conservation officials), should be consulted in the preparation of a fish and wildlife response plan.

Under OPA Section 4202(a) additional responsibilities for federal agencies are detailed, including the establishment of a National Response Unit (NRU). The NRU functions include: compiling and maintaining a comprehensive computer list of spill removal resources, personnel, and equipment that is available worldwide and within individual Areas, which is available to federal and state agencies and the public; providing technical assistance, equipment, and other resources requested by an OSC; coordinating the use of private and public personnel and equipment to remove a worst case discharge, and to mitigate or prevent a substantial threat of such a discharge, from a vessel, offshore facility, or onshore facility operating in or near an Area; providing technical assistance in the preparation of ACPs; administering the USCG strike teams established under the NCP; maintaining on file all approved ACPs; and reviewing each ACP that affects its responsibilities.

3.9 State and Local Agencies

Subpart F of the NCP addresses state involvement in response actions and is incorporated herein by reference.

3.9.1 State Participation

Each of the six New England states maintains a spill response organization which operates in accordance with the laws of each state.

Coordination between the federal response organizations and the various state agencies is conducted, in the field, by the OSCs, and by state representation on the RRT and ACs. The agencies which have been designated by the states to serve as RRT members are: CT DEP, ME DEP, MA DEP, NH DES, RI DEM and VT DEC.

To reach any of these agencies, refer to the Emergency Contact Information section located at the beginning of this document.

3.9.2 State Involvement in Response Actions

For reimbursement, the state must fulfill requirements established by the NPFC including coordinating with the OSC, RP or PRP determination, and documentation requirements.

3.9.3 Local Agencies

Local governments are actively involved in response to environmental emergencies, in that local police, fire, health, and public works officials are normally the first respondents to an incident.

Local governments are invited to participate in Area Committee activities, in order to more readily coordinate the response. At the scene of an incident police and fire departments have specific responsibilities, detailed in state law and local ordinances. Generally these responsibilities involve:

- (1) Protection of life and property, including suppression of fire, search and rescue, security to the area/access control, and paramedical support,
- (2) Establishment of alternate traffic patterns, and
- (3) Assistance to persons displaced by the incident.

These agencies also serve as points of contact with other local government offices and multi-community assistance plans.

3.9.4 Tribal Organizations

[RESERVED]

3.9.5 USEPA/State Superfund Memoranda of Agreement

The federal and state Superfund Memoranda of Agreement (SMOAs) may establish the nature and extent of USEPA and state and local interaction during USEPA-lead and state- or local-lead responses (including Indian tribes). USEPA shall enter into SMOA discussions if requested by a state or local government.

A SMOA is a written statement between two or more parties that outlines the terms of a contract or negotiation. It can identify who is responsible for what work, duties, actions, and how to resolve any disputes that occur. SMOAs between the USEPA and various governmental agencies that involve or effect the USEPA's mission regarding response to discharges of oil into the environment are especially important to contingency planning. Refer to the NCP (at section 300.505) for a discussion of state SMOAs.

3.10 Responsible Parties

As defined in OPA, each RP for a vessel or a facility from which oil is discharged, or which poses a substantial threat of a discharge, into or upon the navigable waters or adjoining shorelines or the Exclusive Economic Zone is liable for the removal costs and damages specified in Subsection (b) of Section 1002 of OPA. Any removal activity undertaken by an RP must be consistent with the provisions of the NCP, the RCP, the ACP, and the applicable response plan required by OPA. If directed by the OSC at any time during removal activities, the responsible party must act accordingly.

3.11 Non-Governmental Organizations/Other Persons

NCP subpart H addresses participation by other persons and is incorporated herein by reference.

Participation in a response is limited due to the nature of the incident and the requirements for worker health and safety as determined by OSHA. RPs are encouraged to undertake response actions in an adequate and timely manner, based on the judgment of the OSC.

Landowners are also encouraged to participate in planning and response. The landowner is a valuable resource due to his/her local knowledge. The landowner, to the extent practical and based on the OSC's judgment, may be included in the planning and response activities, under

direction of the OSC. Landowners that provide access to or are affected by a spill have jurisdiction over their lands, and warrant special consideration by the responding agency or unified command. In the event that an incident poses, or has the potential to pose an imminent threat to human health and/or the environment, the OSC will coordinate access with the landowner.

In addition, OPA authorizes filing of claims against the OSLTF by other persons. To file a claim, contact the Director, NPFC, at the address/telephone number listed in the Emergency Contact Information section located at the beginning of this document.

3.12 Worker Health and Safety

Response actions under the ACP will comply with the provisions for response action worker safety and health in 29 CFR 1910.120.

In a response action taken by a responsible party, the responsible party must assure that an occupational safety and health (OSH) program consistent with 29 CFR 1910.120 is made available for the protection of workers at the response site.

In a response taken under the ACP by a lead agency, an OSH program should be made available for the protection of workers at the response site, consistent with, and to the extent required by, 29 CFR 1910.120. Contracts relating to a response action under the ACP should contain assurances that the contractor at the response site will comply with this program and with any applicable provisions of the OSH Act (OSHA) and state OSH laws.

When a state, or political subdivision of a state, without an OSHA-approved state plan is the lead agency for response, the state or political subdivision must comply with standards in 40 CFR Part 311, promulgated by EPA pursuant to section 126(f) of SARA.

Requirements, standards, and regulations of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) (OSH Act) and of state laws with plans approved under section 18 of the OSH Act (state OSH laws), not directly referenced in the previous paragraphs of this section, must be complied with where applicable. Federal OSH Act requirements include, among other things, Construction Standards (29 CFR Part 1926), General Industry Standards (29 CFR Part 1910), and the general duty requirement of section 5(a)(1) of the OSH Act (29 U.S.C. 654(a)(1)). No action by the lead agency with respect to response activities under the ACP constitutes an exercise of statutory authority within the meaning of section 4(b)(1) of the OSH Act. All governmental agencies and private employers are directly responsible for the health and safety of their own employees.

3.13 Documentation and Cost Recovery

Section 300.335 of the NCP outlines the types of funds which may be available to remove

certain oil and hazardous substances discharges. For releases of oil or a hazardous substance, pollutant, or contaminant, the following provisions apply:

(1) During all phases of response, the lead agency shall complete and maintain documentation to support all actions taken under the ACP and to form the basis for cost recovery. In general, documentation will provide an identification of the discharge's source and the specific circumstances of the incident; responsible party or parties; the impact or potential impact to the public health, welfare, or the environment, and an accounting of the costs of physical removal. When appropriate, documentation will also be collected for scientific study of the environment and for research and development of improved response equipment and methods. Evidentiary and cost documentation is more completely dealt with in the USCG Marine Safety Manual (Commandant Instruction M16000.3) and 33 CFR 153.

The OSC will ensure the necessary collection and safeguarding of information, samples, and reports. Samples and information will be gathered expeditiously during the response to assure an accurate record of the events and impacts incurred. Case documentation is developed in coordination with the trustees of natural resources to ensure completeness of the record.

(2) The information and reports obtained by the lead agency for Fund-financed response actions shall, as appropriate, be transmitted to the NPFC. Copies can then be forwarded to the NRT, members of the RRT, and others as appropriate.

4 PLANNING

Flowcharts and diagrams of the descriptions of planning and coordination structure, federal contingency plans, and Title III local emergency response plans are located in the NCP. The Area Committee serves as a planning and preparedness body to support the OSC and is encouraged to include membership from federal, state, local, and tribal governments and private entities (as ex-officio members). Area Committees are not response support bodies, and are not required to participate in response efforts, but should be comprised of response personnel.

4.1 Planning and Coordination Structure

4.1.1 National

As described in section 300.110 of the NCP, the NRT is responsible for national planning and coordination.

4.1.2 Regional

As described in section 300.115 of the NCP, the RRTs are responsible for regional planning and coordination.

4.1.3 Area

Section 4202(a) of the OPA amends section 311(j) of the CWA to require that the Area Committee, under the direction of the OSC for its Area, shall be responsible for: (1) preparing an ACP for its Area; (2) working with state and local officials to enhance the contingency planning of those officials and to assure pre-planning of joint response efforts, including appropriate procedures for mechanical recovery, dispersal, shoreline cleanup, protection of sensitive environmental areas, and protection, rescue, and rehabilitation of fisheries and wildlife; and (3) working with state and local officials to expedite decisions for the use of dispersants and other mitigating substances and devices.

4.1.4 State

As provided by sections 301 and 303 of SARA, the State Emergency Response Commission (SERC) of each state, appointed by the Governor, is to designate emergency planning districts, appoint Local Emergency Planning Committees (LEPCs), supervise and coordinate their activities, and review local emergency response plans. The SERC also is to establish procedures for receiving and processing requests from the public for information generated by Title III reporting requirements and to designate an official to serve as coordinator for information.

4.1.5 Local

As provided by sections 301 and 303 of SARA, emergency planning districts are designated by the SERC in order to facilitate the preparation and implementation of emergency plans. Each LEPC is to prepare a local emergency response plan for the emergency planning district and establish procedures for receiving and processing requests from the public for information generated by Title III reporting requirements. The LEPC is to appoint a chair and establish rules for the LEPC. The LEPC is to designate an official to serve as plan coordinator.

4.1.6 Tribal

As stated in Section 300.610 of the NCP, “the tribal chairmen (or heads of the governing bodies) of Indian tribes, as defined in Section 300.5, or a person designated by the tribal officials, shall act on behalf of the Indian tribes as trustees for the natural resources belonging to, managed by, controlled by, or appertaining

to such Indian tribe, or held in trust for the benefit of such Indian tribe, or belonging to a member of such Indian tribe if such resources are subject to a trust restriction on alienation. When the tribal chairman or head of the tribal governing body designates another person as trustee, the tribal chairman or head of the tribal governing body shall notify the President of such designation. Such officials are authorized to act when there is injury to, destruction of, loss of, or threat to natural resources as a result of a release of a hazardous substance.”

4.2 Federal Contingency Plans

There are three levels of federal contingency plans under the NRS: the NCP, RCPs, and ACPs. The relationship of these plans are shown in Figure 2. These plans are available for inspection at USEPA regional offices or USCG district offices.

Addresses and telephone numbers for these offices may be found in the United States Government Manual, issued annually, or in local telephone directories.

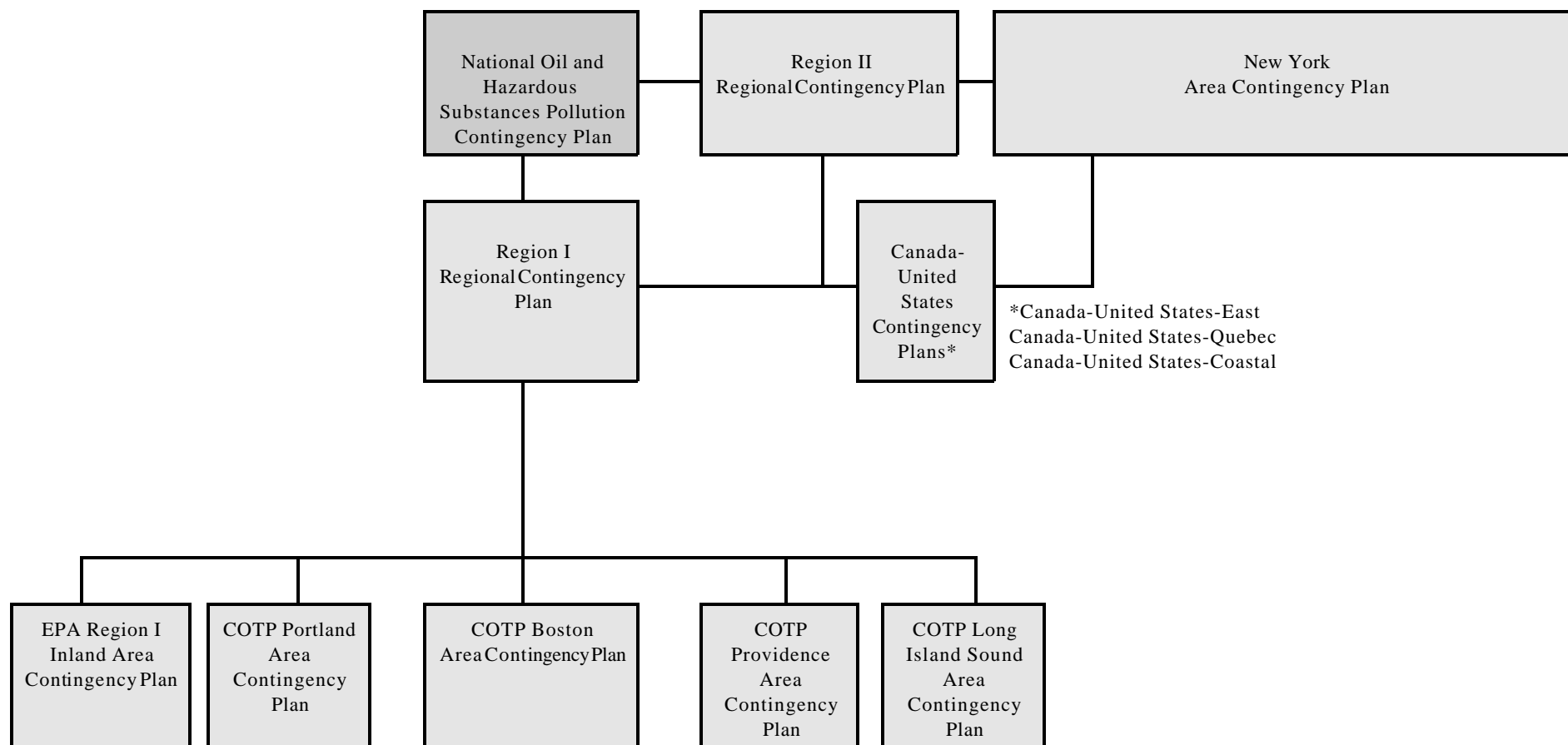
4.2.1 National Oil and Hazardous Substances Pollution Contingency Plan

The purpose and objectives, authority, and scope of the NCP are described in sections 300.1 through 300.3 of the NCP.

4.2.2 Regional Oil and Hazardous Substance Contingency Plans

The RRTs, working with the states, must develop federal RCPs for each standard federal region, Alaska, Oceania in the Pacific, and the Caribbean to coordinate timely, effective response by various federal agencies and other organizations to discharges of oil or releases of hazardous substances, pollutants, or contaminants. RCPs must, as appropriate, include information on all useful facilities and resources in the region, from government, commercial, academic, and other sources. To the greatest extent possible, RCPs must follow the format of the NCP and coordinate with state emergency response plans, ACPs, which are described in section 300.210(c) of the NCP, and Title III local emergency response plans, which are described in Section 300.215 of the NCP. Such coordination should be accomplished by working with the SERCs in the region covered by the RCP. RCPs must contain lines of demarcation between the inland and coastal zones, as mutually agreed upon by USCG and EPA.

Figure 2: Relationship Among Federal Contingency Plans



KEY

COTP United States Coast Guard Captain-of-the-Port
 EPA United States Environmental Protection Agency
 Region I Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont
 Region II New York, New Jersey, and Puerto Rico

4.2.3 Area Contingency Plans

Area Contingency Plans incorporate planning at all levels and integrates the federal, state and local response under the respective plans. This plan is consistent with the NCP and the RCP. Facility response plans required by Section 4202 of the OPA must be consistent with the requirements of this plan.

Coordination and integration between inland and coastal ACPs is ensured through the RRT structure. Representatives of both USEPA and USCG co-chair the RRT. Plan integration is also currently provided by overlapping membership on coastal and inland area committees by the state representative of the RRT, as well as by participation by USEPA Region I in the appropriate coastal area committees and subcommittees.

Plan integration with facility and vessel response plans, required by Section 4202 (a) (5) of the OPA, shall be accomplished through review and approval of submitted plans for consistency with this ACP. During a response, the OSC shall meet with the other responding parties to coordinate and integrate the response described in this plan with all other relevant plans including, but not limited to, federal, state, local, tribal, and private plans. The area committee will continuously review effectiveness and integration of all plans based upon actual responses, exercises, and all other relevant information leading to enhancement of these plans.

USEPA Region I is currently considering certain locations within Region I for classification as subareas for which a separate contingency plan will be generated. These subarea plans will be consistent with this ACP.

4.3 Title III Local Emergency Response Plans

The regulations that implement SARA Title III are codified at 40 CFR Part 355.

Each LEPC must prepare an emergency response plan in accordance with section 303 of SARA Title III and review the plan once a year, or more frequently as changed circumstances in the community or as any subject facility may require. Such Title III local emergency response plans should be closely coordinated with applicable ACPs and state emergency response plans. To assure coordination with the SARA Title III program, it is recommended that the Area Committee include appropriate LEPC or other Title III representation.

4.4 Fish and Wildlife Response Plan

OPA section 4201(b) amends subsection (d) of section 311 of the FWPCA (33 U.S.C. 1321(d)) to include a fish and wildlife response plan, developed in consultation with the USFWS, NOAA, and other interested parties (including state fish and wildlife conservation officials), for the immediate and effective protection,

rescue, and rehabilitation of, and the minimization of risk of damage to, fish and wildlife resources and their habitat that are harmed or that may be jeopardized by a discharge.

See Volume II of the ACP for the Fish and Wildlife and Sensitive Environments Annex.

4.5 National Preparedness for Response Exercise Program

The federal lead agency, USEPA or U.S. Coast Guard (USCG), shall periodically conduct drills of removal capability, without prior notice, in areas for which ACPs are required and under relevant tank vessel and facility response plans. The drills may include participation by federal, state and local agencies, tribes, the owners and operators of vessels and facilities in the area, and private industry.

The National Preparedness for Response Exercise Program (PREP) was developed to establish a workable exercise program which meets the intent of OPA. The PREP incorporates exercise requirements of the USCG, USEPA, the Office of Pipeline Safety's (OPS's) Research and Special Program Administration (RSPA), and the Mineral Management Service (MMS).

The PREP guidelines are not regulations. However, the four federal agencies have agreed that participation in PREP will satisfy all exercise requirements imposed by the CWA. Although participation in PREP is voluntary, those choosing not to participate in PREP will be required to comply with the exercise requirements in the regulations imposed by each of the four regulatory agencies.

PREP is a structured system of internal and external exercises. The internal exercises are conducted wholly within a plan holder's organization, testing the various components of a response plan to ensure the plan is adequate for the organization to respond to an oil or hazardous substance spill. Currently, the response plans and exercises only address oil response, but may eventually address hazardous substance response.

Internal exercises include: 1.) Qualified Individual Notification Exercise; 2.) Emergency Procedures Exercise for vessels and barges; 3.) Spill Management Team Tabletop Exercises; 4.) Equipment Deployment Exercise; and 4.) Unannounced Exercises.

The internal exercises will be self-certified and self-evaluated by the plan holder organization. Each plan holder will be on a triennial cycle for exercises, which began January 1, 1994. Within this triennial cycle, each plan holder must exercise the various components of the entire response plan. The PREP document contains a list of 15 core components. These are not all-inclusive, a plan may have more or fewer components, but these are generally what should be in the plan. The completion of the required internal exercises over the 3-year period will satisfy the regulatory requirements for exercising the entire plan once every 3 years.

The external exercises, or Area Exercises, test the interaction of the plan holder with the entire response community in a specific Area. For the purpose of the PREP, "Area" is defined as that specific geographic area for which a separate and distinct ACP has been developed. The Area Exercises will exercise the governmental-industry interface for pollution response. The PREP goal is to conduct 20 Area Exercises per

year throughout the country, with the federal government leading six exercises and industry leading the other 14 exercises. The Area Exercises will be realistic exercises, including equipment deployment. The exercises will be developed by a design team consisting of federal, state, local, and tribal government, and industry representatives. The Area Exercises will be scheduled by the National Scheduling Coordinating Committee (NSCC), which will receive input from the Area Committees and the Regional Response Team (RRT) Co-Chairs. The various levels of input are designed to ensure all state, area, local, and tribal concerns are taken into consideration when scheduling the exercises.

PREP guidelines are available through the USCG. To contact USCG, refer to the Emergency Contacts section at the beginning of this document.

5 RESPONSE

5.1 Oil Spill Response

5.1.1 Response

The phases of operational response for oil are outlined in the NCP (see 40 CFR, sections 300.300 - 300.320). These phases include:

- (1) discovery and notification
- (2) preliminary assessment and initiation of action
- (3) containment, countermeasures, cleanup, and disposal
- (4) documentation and cost recovery

The OPA provides additional authority for carrying out a response. Under section 4201 of the OPA, the President may:

- (1) remove or arrange for the removal of a discharge, and mitigate or prevent a substantial threat of a discharge, at any time;
- (2) direct or monitor all federal, state, and private actions to remove a discharge; and
- (3) remove and, if necessary, destroy a vessel discharging, or threatening to discharge, by whatever means are available.

Furthermore, if a discharge results in a substantial threat to the public health or welfare of the United States (including but not limited to fish, shellfish, wildlife, other natural resources, and the public and private beaches and shorelines of the United States), the OSC shall direct all federal, state, and private actions to remove the discharge or to mitigate or prevent the threat of the discharge.

5.1.2 Funding

OPA established the OSLTF for funding oil spill cleanups where there is a discharge or a substantial threat of a discharge of oil into or upon the navigable waters of the United States. The OSLTF can be used following an incident for removal actions, natural resource issues, and damages. Local, state, tribal, or federal agencies may obtain funding for removal costs through the OSC or by submitting a claim.

There are six basic categories of recoverable damages:

- (1) natural resource damages;
- (2) damages to real and personal property, including the loss of such property;
- (3) loss of subsistence use of natural resources;
- (4) loss of tax and other revenues;
- (5) loss of profit or earning capacity; and
- (6) increased cost of public services.

Three of these categories- natural resource damage, loss of tax and revenue, and increased cost of public services- are receivable only by governments. The other categories are receivable by private parties as well as by governments.

The NPFC is responsible for implementing the OSLTF and may be accessed through the NRC.

5.1.2.1 State Access to the OSLTF

USCG Commandant Instruction 16465.1 defines documentation for enforcement and cost recovery under section 1012(d)(1) of the OPA (See *Technical Operating Procedures for State Access Under Section 1012(d)(1) of the OPA* (Enclosure (1) to NPFC INST 16451.1)). Details of requirements for documentation and cost recovery can be found in Volume II of the ACP.

OPA allows state governors to request payments of up to \$250,000 from the OSLTF. This funding would apply to removal costs required for the immediate removal of a discharge of oil or the prevention of a substantial threat of discharge, provided the costs are consistent with the NCP. Requests are made directly to the OSC who will determine eligibility. A state that anticipates the need to access the Fund must advise the NPFC in writing of the specific individual who is designated to make requests. The designation must include the person's name, address, telephone number, and title or capacity in which employed.

Three mechanisms that states can use to access federal funding for oil spill responses are described below:

- 1.) OSC - The state requests the OSC to direct the cleanup accessing the OSLTF.
- 2.) Pollution Removal Funding Authorization (PRFA) - The state enters into an agreement with an OSC authorizing the state to conduct mutually agreed upon cleanup activities, via state contracting mechanisms. After the cleanup is complete, the state submits a cost documentation package to the OSC for approval and it is forwarded to the NPFC for payment.
- 3.) Claims - The state immediately notifies and coordinates their response actions with an OSC prior to incurring costs. After the cleanup is completed, the state submits a claim and requests reimbursement from the NPFC.

5.1.2.2 Eligibility for State Access

The OSC will determine whether it is appropriate for the state to assume the role of lead agency for a federally funded removal action, based on the criteria specified by the NPFC. If the state is capable, the OSC will contact the USCG case officer to authorize access to the Fund. If the OSC denies state access to the Fund, he/she will detail the reason for denying access (i.e., which of the criteria were not met by the state).

5.1.2.3 Required Recordkeeping

The state shall maintain records of expenditures of fund monies including, but not limited to:

- (1) Daily expenditures for each individual worker, giving the individual's name, title or position, activity performed, time on task, salary or hourly rate, travel costs, per diem, out-of-pocket or extraordinary expenses, and whether the individual is normally available for oil spill removal.
- (2) Equipment purchased or rented each day, with the daily or hourly rate.
- (3) Miscellaneous materials and expendables purchased each day.
- (4) Daily contractor or consultant fees, including costs for their personnel and contractor-owned or rented equipment, as well as that of any subcontractor.

The state shall submit a copy of these records and a summary document, stating the total of all expenditures made, to the NPFC within 30 days after completion of the removal actions. A copy of these documents shall also be submitted to the OSC.

5.1.2.4 State Access to Other Funds

[RESERVED]

5.2 Hazardous Substance Response

The NCP (Subpart E, 300.400 - 300.435) establishes methods and criteria for determining the appropriate extent of response authorized by CERCLA and CWA section 311(c).

In general, the OPA fund is available primarily for the cleanup actions of an oil spill. The purposes of the fund are outlined in section 1012 of the OPA.

CERCLA funds are available for the payment of removal costs for incidents involving hazardous substances, contaminants or pollutants.

In most instances, response personnel, equipment and resources involved in oil response and in hazardous substances response are the same for a given Area. Application of fund monies from CERCLA or OPA may require evaluation after the cleanup based on the documentation obtained during the response.

In addition, local governments may apply to receive funding through CERCLA of up to \$25,000 based on costs expended and the circumstances under which they were expended. See the NCP for additional details (40 CFR 310).

For hazardous substance response only, see appropriate SARA Title III, SERC and LEPC Hazardous Materials (HAZMAT) response plans.

5.3 Administrative Record for Selection of Response Action

Subpart I of the NCP addresses administrative recordkeeping for selection of response actions and is incorporated herein by reference to the extent that it applies to emergency response.

5.4 Chemical Countermeasures

Subpart J of the NCP addresses the use of dispersants and other chemical countermeasures, and is incorporated herein by reference. In addition, section 4202(a) of the OPA requires that each Area Committee work with state, local, and tribal officials to expedite decisions for the use of dispersants and other mitigating substances and devices.

As a general rule, chemical countermeasures are not utilized for oil spills in the inland zone. Due to the depth of inland rivers and lakes, and the proximity of shorelines and populations, the use of dispersants is not practicable. As more data are received on surface collecting agents, these may be considered for inland spills.

5.5 Equipment Available for a Response

The following list represents sources of information regarding available equipment and other response resources in Region I accessible through the Internet. USEPA personnel possessing an electronic copy of this ACP and access to the Internet may click on the Internet addresses to be linked to the sites.

USCG Home Page - www.uscg.mil

USEPA Home Page - www.epa.gov

U.S. Agency for Toxic Substances and Disease Registry (ATSDR)
Home Page - www.atsdr.gov

Detailed lists of available equipment and additional response resources and capabilities will be included in Volume II of this ACP.

5.6 Worst Case Discharge

The adequacy to remove a worst case discharge, or substantial threat of such discharge, is currently addressed through the NCP which outlines federal resources available to the OSC from RRT agencies.

Facilities which pose a substantial threat to the environment, in order to be granted approval to operate without an approved FRP, have provided certification that they have, by contracts or approved means, the resources capable of removing a worst case discharge from their facility. All FRPs will be reviewed for approval, which will include adequate resources to remove a facility worst case discharge. Among the requirements for approval, FRPs will also be required to be integrated with local emergency plans, prepared under the SARA Title III Emergency Planning and Community Right-to-Know Act (EPCRA).

The authority and responsibility for planning and exercising local emergency plans is vested at the local government level, through requirements of EPCRA. The state and local governments and industry have the most detailed knowledge of the local area and the situations of risk. Accordingly, LEPCs are in the best position to develop plans which adequately address hazards in their community. Currently, the Area Committee does not include membership of local government.

In terms of prevention of oil spills, including a worst case discharge, the Spill Prevention, Control, and Countermeasures (SPCC) Program, administered through EPA, requires all non-transportation-related facilities within EPA's jurisdiction, to develop plans necessary to contain a discharge of oil and prevent it from reaching navigable waters. It requires facilities to develop engineering and design plans, including the installation of certain equipment, most notable secondary containment systems, such as dikes, barriers and diversionary flow paths such that spills into waters of the United States will be prevented.

When such design and engineering controls are not practicable for a facility, the owner must provide a detailed

contingency plan following the criteria outlined in 40 CFR Part 109. Some of these criteria include the establishment of notification procedures, identification of resources, and provisions for specific actions. For transportation-related on-shore and off-shore facilities, such as vessels, the DOT issues regulations concerning the safe handling of hazardous materials. DOI MMS is also responsible for certain off-shore fixed facilities.

AREA WORST CASE DISCHARGE SCENARIO

The worst case discharge involves the rupture of a three million gallon gasoline storage tank coupled with the breach of the facility secondary containment system. The incident occurs in Burlington, Vermont with ninety percent of the spill discharging to Lake Champlain. Three public water intakes are immediately impacted.

Conditions at time of spill:

1.	Time of Year	Mid April
2.	Winds	Out of the South
3.	Air Temperature	40°F
4.	Water Temperature	35°F
5.	Precipitation	Light Rain
6.	Visibility	Less than 1 mile

Initial discharger notifications would include:

NRC
USCG Station in Burlington
VT DEC
USEPA Region I - OSC
Custodians of threatened water intakes.

Initial Actions would include attempting to control the source of the release, deploying available boom, evaluating the extent of the spill, and making a determination whether to shut down the threatened water intakes. The Burlington USCG Station would provide the first federal official on the scene.

Within the first five hours a unified command post would be established in Burlington including the OSC, state representatives, local government, and representatives of the RP. Due to the size of the spill and the limitation of resources within the area, the OSC would mobilize contractors, fund management specialists, and other federal resources as may be required.

Additional Complications:

Lake Champlain borders the states of Vermont and New York, USEPA Regions I and II, the Missisquoi National Wildlife Refuge, and Canada.

Further notifications would include:

U.S. Army Corps of Engineers

USEPA Region II

Affected Natural Resource Trustees

RRT members, as appropriate

Canadian Government, Environment Canada

The OSC would direct all clean-up activities through the incident command system. Funding of operations would be a combination of RP direct funding and OSC access to the OSLTF with appropriate enforcement and cost recovery documentation.

ATTACHMENT 1

FEDERAL REGION I USCG/USEPA JURISDICTIONAL BOUNDARIES

COAST GUARD/ENVIRONMENTAL PROTECTION AGENCY

RESPONSE JURISDICTION BOUNDARY

CONNECTICUT

In 1979 a continual boundary for the State of CONNECTICUT , delineating inland and coastal areas was agreed upon by the U. S. Coast Guard and EPA Region I. The boundary begins at the State line in Pawcatuck, and ends at the Byram River, between Greenwich, Ct and Port Chester, NY. During the 19 years of use, the boundary has been found to have inaccuracies, caused by highway route number changes. These potential problem areas are addressed in *italics*.

BOUNDARY

1. Starting at the State line, where US Rte 1 enters the State of Connecticut, in the village of Pawcatuck, the boundary follows US Rte 1 to the intersection of West Broad St.
2. The boundary follows West Broad Street, which becomes the Pequot Trail (CT Rte 234), westerly, to Taugwank Rd.
3. The boundary follows Taugwank Rd, northerly to its intersection with I-95.
4. The boundary follows I-95, westerly to Ct Rte 117.
5. The boundary follows Rte 117, southerly, to US Rte 1.
6. The boundary follows US Rte 1, westerly, to its intersection with Ct Rte 12, in Groton.
7. The boundary follows Rte 12, to its intersection with Ct Rte 2, in Norwich.
8. The Boundary follows Ct Rte 2, westerly, to its intersection with Ct Rte 32.
9. The boundary follows Ct Rte 32, southerly, to its intersection with I-95, in New London.
10. The boundary follows I-95, westerly, to its intersection with Ct Rte 156, in Lyme.
11. The boundary follows Rte 156, northerly, to its intersection with Old Hamburg Rd, in Hamburg.
12. The Old Hamburg Rd connects with the Joshuatown Rd (which becomes the River Rd), which is followed, northwesterly, to Ct Rte 148, in Hadlyme.
13. From Hadlyme, the boundary follows Rte 148, easterly, to the junction with Ct Rte 82.
14. The boundary follows Rte 82, northerly, to the intersection with Ct Rte 149, in East Haddam.
15. From East Haddam, the boundary follows Rte 149, northerly, to the junction with Ct Rte 151, in Moodus.
16. The boundary follows Rte 151, northwesterly, to its intersection with Ct

Rte 66 in Cobalt.

17. From Cobalt, the boundary follows Rte 66, westerly, to Portland, where it follows Ct Rte 17A, northerly, to its intersection with Ct Rte 17.
18. The boundary follows Rte 17, northerly, to its intersection with Main St, in Glastonbury.
19. The boundary follows Main St through Glastonbury to its intersection with Ct Rte 2, in Hockanum.
20. The boundary follows Rte 2, northerly, to I-84 in East Hartford.
21. The boundary follows I-84 across the Connecticut River, then follows I-91, southerly through Hartford, to the intersection with Ct Rte 99.
22. The boundary follows Rte 99, southerly, to its intersection with Ct Rte 9.
23. The boundary follows Rte 9, to the Union St interchange, in Middletown, and along Union St to River Rd.
24. The boundary follows River Rd, westerly, to Aircraft Road, within the Pratt & Whitney compound.
25. The boundary follows Aircraft Rd, westerly, to its intersection with Ct Rte 154.
26. The boundary follows Rte 154, southerly, to its intersection with Ct Rte 9, in Deep River.
27. The boundary follows Rte 9, to its intersection with Rte I-95, in Old Saybrook.
28. The boundary follows I-95 to its intersection with US Rte 1, at exit 55, in Branford.
29. The boundary follows US Rte 1, westerly, to Townsend Ave.
30. The boundary follows Townsend and Quinnipiac Avenues, northerly, to Ct Rte 80.
31. The boundary follows Rte 80, westerly to I-91.
32. The Boundary follows I-91, southerly to I-95.
33. The boundary follows I-95, westerly to the Milford Parkway.
34. The boundary follows the Milford Parkway and Ct Rte 15, westerly, to Ct Rte 110, in Stratford.
35. The boundary follows Rte 110, southerly, to I-95.
36. The boundary follows I-95, westerly to Seaview Avenue.
37. The boundary follows Seaview avenue, northerly, to US Rte 1.

38. The boundary follows Rte 1 and Chops Hill Rd to Ct Rte 8.
39. The boundary follows Rte 8, southerly, to I-95.
40. The boundary follows I-95, westerly, to East St in Norwalk.
41. The boundary follows East St, northerly, to Wall St.
42. The boundary follows Wall St, westerly, to West St.
43. The boundary follows West St, southerly, to I-95.
44. The boundary follows I-95, westerly, to Exit 5, where the boundary transfers to US Rte 1 Westerly,.
45. The boundary follows Rte 1, westerly, to Indian Trail, in Cos Cob.
46. The boundary follows Indian Trail, southerly, to I-95.
47. The boundary follows I-95, westerly, to Exit 2.
48. From exit 2, the boundary follows Delavan and Mill St to the Byram River Bridge, and Region II.

Note: Incidents occurring on the boundary, or inland of the boundary, are the responsibility of the U.S. Environmental Protection Agency to provide the On-Scene Coordinator. Incidents that occur to seaward of the boundary are the responsibility of the U.S. Coast Guard to provide the On-Scene Coordinator.

Islands off the coast of Connecticut are within the U.S. Coast Guard's jurisdiction.

COAST GUARD/ENVIRONMENTAL PROTECTION AGENCY

RESPONSE JURISDICTION BOUNDARY

MAINE

In 1978 a continual boundary for the State of Maine, delineating inland and coastal areas was agreed upon by the U. S. Coast Guard and EPA Region I. The boundary begins at the International Bridge, connecting Calais, Maine and St Stephen, N.B., and ends at the Me Rte 101 Bridge (Eliot Bridge), connecting Maine and New Hampshire.

During the 20 years of use, the boundary has been found to have some gaps, or inaccuracies. These potential problem areas are addressed in *italics*.

BOUNDARY

1. Starting at the International Bridge, Calais, Maine, the boundary follows Main Street to US Rte 1 South.
2. The boundary continues, Southerly, along US Rte 1 to Me Rte 200 in Sullivan.
3. The boundary follows Me Rte 200, Northerly, to its intersection with Me Rte 182, in Franklin.
4. The boundary follows Me Rte 182, Southwesterly, to its intersection with US Rte 1, near Ellsworth.
5. The boundary follows US Rte 1, Westerly, to its intersection with Me Rte 172, in Ellsworth.
6. From Ellsworth, the boundary follow Me Rte 173, Southerly, to the intersection with Me Rte 176, in Surry.
7. The boundary continues along Me Rte 176, Southerly, to Blue Hill.
8. In Blue Hill, the boundary rejoins Me Rte 172 and continues, Southerly, on Me Rte 172 to is intersection with Me Rte 175, in Sedgwick.
9. From Sedgwick, the boundary follow Me Rte 175, Northerly to its intersection with US Rte 1, in Orland.
10. The Boundary follows US Rte 1, Westerly, to Me Rte 15, in Bucksport.
11. From the intersection of US Rte 1 and Me Rte 15, in Bucksport, the boundary follows Me Rte 15, Northerly, to the intersection with US Rte 1A in Brewer.
12. From Brewer, the boundary follows Rte 1A into Bangor, then Southerly to its intersection with US Rte 1 in Stockton Springs.
13. The boundary continues, Southerly, along US Rte 1, to its intersection with Me Rte 127 (*In 1978 this was Me Rte 128*), in Woolwich.
14. The boundary, *initially follows Me Rte 127*, then it follows Me Rte 128, Northerly to the intersection with Me Rte 197 in Dresden and Richmond Bridge.

15. The boundary crosses the bridge, Westerly, to Me Rte 24.
16. From the intersection of Rte 24 and Rte 197, the boundary follows Me Rte 24, Southerly to its intersection with US Rte 201 in Topsham.
17. From Topsham, the boundary follows US Rte 201, Southerly, to Brunswick, and its junction with US Rte 1.
18. The boundary follows US Rte 1, Southerly, to the Bucknam Rd, in Falmouth.
19. The boundary follows the Bucknam Rd, Westerly, to Me Rte 9.
20. From the intersection of Rte 9 and the Bucknam Rd, the boundary follows Rte 9, through Portland, to its intersection with US Rte 1, in South Portland.
21. The boundary follows US Rte 1 Southerly, to its intersection with Me Rte 9 in Saco (*In 1978, this intersection was misidentified as being in Biddeford*).
22. The boundary follows Me Rte 9, Southerly, to its intersection with US Rte 1 in Elms (part of Wells).
23. The boundary follows US Rte 1, Southerly, to its intersection with Me Rte 103, in Kittery.
24. The boundary follows Me Rte 103, Northerly, to its intersection With Me Rte 236.
25. The boundary follows Me Rte 236, Northerly, to Me Rte 101.
26. The boundary follows Me Rte 101, Westerly, across Eliot Bridge, to New Hampshire.

Note: *Incidents occurring on the boundary, or to seaward of the boundary, are the responsibility of the U.S. Coast Guard to provide the On-Scene Coordinator. Incidents inland of the boundary are the responsibility of the U.S. Environmental Protection Agency to provide the On-Scene Coordinator.*

COAST GUARD/ENVIRONMENTAL PROTECTION AGENCY

RESPONSE JURISDICTION BOUNDARY

NEW HAMPSHIRE

In 1978 a continual boundary for the State of NEW HAMPSHIRE , delineating inland and coastal areas was agreed upon by the U. S. Coast Guard and EPA Region I. The boundary begins at the Eliot Bridge across the Salmon Falls River, and ends on US Rte 1, at the New Hampshire/Massachusetts border.

During the 20 years of use, the boundary has been found to have inaccuracies, caused by highway route number changes. These potential problem areas are addressed in italics.

BOUNDARY

1. Starting at the Eliot Bridge, the boundary follows the shore, Southerly, to US Rte 4, at Dover Point.
2. The boundary follows US Rte 4, Westerly, to NH Rte 108, in Durham.
3. The boundary follows NH Rte 108, Southerly, to its intersection with NH Rte 33 (*formerly NH Rte 101*), in Stratham.
4. From Stratham, the boundary follow NH Rte 33 (*formerly NH Rte 101*), Easterly, to its intersection with US Rte 1, in Portsmouth.
5. The boundary follows US Rte 1, Southerly, to Massachusetts.

Note: Incidents occurring on the boundary, or to seaward of the boundary, are the responsibility of the U.S. Coast Guard to provide the On-Scene Coordinator. Incidents that occur inland of the boundary are the responsibility of the U.S. Environmental Protection Agency to provide the On-Scene Coordinator.

COAST GUARD/ENVIRONMENTAL PROTECTION AGENCY

RESPONSE JURISDICTION BOUNDARY

MASSACHUSETTS

In 1978/1979 a continual boundary for the State of MASSACHUSETTS , delineating inland and coastal areas was agreed upon by the U. S. Coast Guard and EPA Region I. The boundary begins at the New Hampshire/Massachusetts border and ends, initially, at the Westport, Ma/Little Compton, RI town line. It resumes at the Tiverton, RI/Fall River, Ma boundary, and ends at the Seekonk, Ma/East Providence, RI border.

During the 20 years of use, the boundary has been found to have some gaps and inaccuracies. These potential problem areas are addressed in *italics*.

BOUNDARY

1. The boundary begins in Salisbury, Ma, where US Rte 1 crosses into Massachusetts from New Hampshire.
2. The boundary runs southerly, along US Rte 1 to its intersection with Ma Rte 1A, in Newburyport.
3. From Newburyport, the boundary follows Ma Rte 1A to the intersection of Ma Rte 133, in Ipswich.
4. The boundary follows Ma Rte 133, Westerly to the intersection with Ma Rte 127, in Gloucester, Ma.
5. From Gloucester, the boundary follows Ma Rte 127, Southwesterly to its intersection with Ma Rte 62, in Beverly.
6. The boundary follows Ma Rte 62, Westerly, through Beverly, to Ma Rte 128.
7. The boundary follow Ma Rte 128, Southerly, to the intersection with Ma Rte 114, in Peabody.
8. From the intersection with Ma Rte 128, the boundary follows Ma Rte 114, Southeasterly to the intersection with Ma Rte 129, in Marblehead.
9. From Marble head, the boundary follows Ma Rte 129, southwesterly to the intersection with Ma Rte 1A, in Lynn.
10. The boundary follows Rte 1A, southwesterly, to its intersection with Commercial Street, which is also in Lynn.
11. The boundary follows Commercial, Bennett, Elmwood, West Neptune, and Minot Streets, generally, in a westerly direction, to Ma Rte 107.
12. The boundary follows Rte 107, southerly, through Revere, to its intersection with Ma Rte 16.
13. The boundary follows Rte 16, westerly to Ma Rte 28, in Malden, Ma.
14. From Malden, the boundary follows Rte 28, southerly, to the *Edwin Land Blvd (Formerly Commercial St)*, in Cambridge)

15. In Cambridge, the boundary follows Edwin Land Blvd, Monroe St, and Third St, in a westerly direction, to Broadway.
16. The boundary follows Broadway, southerly, across the Charles River to Charles St, in Boston.
17. The boundary runs, southerly, through Boston on Charles St (partially Storrow Drive) and I-93.
18. The boundary follows Rte 3A from the intersection with I-93, southeasterly in Quincy, to Rte 53.
19. Rte 53 forms the boundary, in Quincy, southerly, to Commercial Street, in Weymouth.
20. The boundary follows Commercial St Northeasterly, to North Street, and then follows North St, Northerly, to Rte 3A.
21. The boundary, then follows Rte 3A, southeasterly, to the intersection with US Rte 6E, in Bournedale.
22. The Boundary follows Rte 6E, southwesterly, to the intersection with Head Of The Bay Rd, in Bourne.
23. The boundary follows Head Of The Bay Rd and Red Brook, northerly around Buttermilk Bay, to US Rte 6, in East Wareham.
24. From Wareham, the boundary follows US Rte 6, westerly, to the intersection with Main St, in Fairhaven.
25. The boundary then follows Main St, Northerly, becoming South Main St, in Acushnet.
26. The boundary continues, northerly, on South Main St to the intersection with Main St.
27. The boundary follows Main St, Westerly, becoming Tar Kiln Hill Rd, in New Bedford, to Ma Rte 18.
28. The boundary follows Rte 18, through New Bedford, becoming First St, to the intersection with Cove Rd, at Clarks Cove.
29. The boundary follows Cove Rd, westerly, to its intersection with the Russells Mills Rd, at Bliss Corner.
30. The Boundary follows the Russells Mills Rd, Southwesterly, to its intersection with the Horseneck Rd, at Russells Mills (Dartmouth).
31. The Boundary follows Horseneck Rd to the intersection with Hix Bridge Rd, in South Westport.
32. The boundary runs, westerly, along the Hix Bridge Rd to the Drift Rd.
33. The boundary follows the Drift Rd southerly, to Main Rd, at Westport Point. (This is not written in the Boundary Description, but shows on the maps).
34. The boundary continues, northerly, on Main Rd, to its intersection with Cornell Rd, at Sherman Hill.

35. The boundary follows Cornell Rd and the Adamsville Rd, westerly, to the village of Adamsville, in Little Compton, RI.
36. The boundary reenters Massachusetts at the State line, where Rte 138 enters Fall River, Ma, from Tiverton, RI.
37. The boundary follows Rte 138, northerly, to the intersection with Ma Rte 79, in Fall River.
38. The boundary extends, northerly, to the North Main St interchange in Assonet, via Rte 79 and Rte 24.
39. From Assonet, the boundary trends westerly, via North Main St (Assonet), South Main St (Berkely), Elm St, and Center St (Dighton), to the intersection with Ma Rte 138, in Segreganset (Dighton).
40. The boundary follows Rte 138, southerly, to the intersection with US Rte 6 in Somerset.
41. The boundary follows US Rte 6, westerly, to the State line with Rhode Island.

Cape Cod

42. Starting with Ma Rte 28 in Bourne, (South of Bourne Bridge), the boundary extends southerly and easterly, to its intersection with US Rte 6 A, in Orleans.
43. The boundary follows Rte 6A, westerly, to the intersection with US Rte 6W in Sandwich.
44. From Sandwich, the boundary follows US Rte 6W, southwesterly, to the intersection with Rte 28, in Bourne.

Islands

Martha's Vinyard, Nantucket, and all other islands lying off the coast of Massachusetts are the responsibility of the U. S. Coast Guard for providing the predesignated Federal On-Scene Coordinator.

Note: Incidents occurring on the boundary, or to seaward of the boundary, are the responsibility of the U.S. Coast Guard to provide the On-Scene Coordinator. Incidents that occur inland of the boundary are the responsibility of the U.S. Environmental Protection Agency to provide the On-Scene Coordinator.

COAST GUARD/ENVIRONMENTAL PROTECTION AGENCY

RESPONSE JURISDICTION BOUNDARY

RHODE ISLAND

In 1978 a continual boundary for the State of RHODE ISLAND , delineating inland and coastal areas was agreed upon by the U. S. Coast Guard and EPA Region I. The boundary begins at the State line in Adamsville, and initially ends where Rte 138 enters Massachusetts, at Tiverton. The boundary resumes at the State line, where US Rte 6 enters Rhode Island, in East Providence, and ends at the US Rte 1 Bridge, between Westerly, RI and Stonington, Ct. During the 20 years of use, the boundary has been found to have inaccuracies, caused by highway route number changes. These potential problem areas are addressed in *italics*.

BOUNDARY

1. Starting at the State line, where the Adamsville Rd, enters Rhode Island from Westport, Ma, the boundary follows the Adamsville Rd, Rte 179, and Cold Brook Rd, westerly, to the intersection of Cold Book Rd and Long Highway.
2. The boundary follows Long highway, southerly, to the intersection with the John Sisson Rd.
3. The boundary then follows the John Sisson Rd, Maple Lane, Brownell Rd, and the Swamp Rd, westerly, to RI Rte 77 (the Sakonnet Point Rd), in Little Compton.
4. The boundary follows RI Rte 77, northerly, to Highland Ave, in Tiverton, RI.
5. The boundary follows Highland Avenue, northerly to its intersection with Main Rd (*formerly RI Rte 77*).
6. The boundary continues northerly, on Main Rd, to its intersection with RI RTE 138, also in Tiverton.
7. The boundary continues northerly, on RI Rte 138, to the State line with Massachusetts.
8. The boundary reenters Rhode Island on US Rte 6, at the state line in East Providence, and continues westerly to the intersection with RI Rte 114.
9. The boundary follows RI Rte 114, northerly, to the intersection with Division Street, in Pawtucket.
10. The boundary follows Division St, Pleasant St, Alfred Stone Rd, to the intersection with Blackstone Blvd, near the Pawtucket/Providence city line.
11. The boundary follows Blackstone Blvd and Butler Ave, southerly to Waterman St.
12. The boundary follows Waterman St, westerly, to the intersection with South Main St.
13. The boundary follows South Main, southerly, to its intersection with US

Rte 44 (and US Rte 6), crossing the Providence River, westerly, via the Howard St Bridge, to Dyer St.

14. The boundary follows Dyer St, southerly, to Eddy St (these streets no longer connect, therefore the connection must be assumed to be a rhumb line, connecting the closest points).
15. The boundary follows Eddy St, southerly, through Cranston, to its intersection with Broad St.
16. The boundary follows Broad St, southeasterly, across the Pawtuxet River to its intersection with the Narragansett Parkway.
17. The boundary follows the Narragansett Parkway, southerly, to its intersection with RI Rte 117.
18. Rte 117 forms the boundary, southerly, to Post rd.
19. The boundary follows Post Rd to its intersection with US Rte 1 south, in Apponaug.
20. The boundary follows US Rte 1, southerly to its intersection with RI Rte 1A, in Wickford.
21. From Wickford, the boundary follows Rte 1A, southerly, to US Rte 1, in Narragansett.
22. The boundary follows US Rte 1, westerly, to Rte 1A, in Haversham.
23. From Haversham, the boundary follows Rte 1A, via Avondale, northerly, to Westerly, where it joins US Rte 1.
24. The boundary follows US Rte 1, westerly, to Connecticut

Note:

1. Block Island, Conanicut Island, Rhode Island, and all other islands lying off the coast of the State of Rhode Island are the responsibility of the U.S. Coast Guard for providing the predesignated Federal On-Scene Coordinator.
2. Incidents occurring on the boundary, or to seaward of the boundary, are the responsibility of the U.S. Coast Guard to provide the On-Scene Coordinator. Incidents that occur inland of the boundary are the responsibility of the U.S. Environmental Protection Agency to provide the On-Scene Coordinator.

ATTACHMENT 2

RECORD OF AMENDMENTS

REGION I INLAND AREA CONTINGENCY PLAN

VOLUME I

RECORD OF AMENDMENTS

[illegible]